DOCUMENT RESUME

ED 330 461 PS 019 502

TITLE	The Home School Court Report, 1990.
INSTITUTION	Pennsylvania Governor's Office, Harrisburg. Office of the Cultural Advisor.
PUB DATE	90
NOTE	97p.
AVAILABLE FROM	Home School Legal Defense Association, Paeonian Springs, VA 22129 (Quarterly newsletter, free to members; $10.00 annual fee to nonmembers).
PUB TYPE	Collected Works - Serials (022)
JOURNAL CIT	Home School Court Report; v6 n1-4 1990
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Activism; *Advocacy; Elementary Secondary Education; Federal Legislation; *Home Schooling; National Surveys; Nontraditional Education; *Political Issues; Politics of Education; Religious Cultural Groups; State Legislation

ABSTRACT

Feature articles contained in the four issues of volume 6 of this periodical for families who practice home schooling concern the response of the United States Senate to political pressure from home schoolers; a "declaration of war" on religious freedom by conservative members of the U.S. Supreme Court; the likelihood that the Congress will pass a federal crime bill that has "dangerous potential" for home schoolers; and Barbara Bush's admission of prejudice against home schooling. Additional articles in each number concern difficulties facing home schooling and home schoolers in various states, and articles on topics such as the urgent need to restore a biblical view of education and the threat of early intervention programs to the life of the traditional family. Also provided are the text of the Religious Freedom Restoration Act of 1990 and material on the National Center for Home Education's Testing Service for Home Schoolers. A Home School Court Report for Christmas, 1990 is also included. This features initial results from a survey of home education families who are members of the Home School Legal Defense Association. (RH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it

☐ Minor changes have been made to improve reproduction quality

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY Home School Legal Defense Assoc. TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED330461

PS 019302

THE HOME SCHOOL COURT REPORT

Vol. 6 No. 1 WASHINGTON, D.C. FALL/WINTER 1990

INSIDE . . .

From the Editor 2
Kansas Tremors 2
South Carolina Parent Testing: Who's Watching? 3
School Districts Truant Happy in South Carolina 3
Suda Family Victorious in First Legal Challenge Under New Pennsylvania Law 4
Employee Changes 5
Connecticut Home Schoolers Face Attack By Superintendent's Association 6
Military Home Schoolers Fight to Preserve Their Freedom 7
Massachusetts Faces Increased Conflict 8
Maryland Refuses to Amend Ambiguous Regulations 8
Virginia: Gains & Losses 9
California Holds the Line 10
Upcoming HSLDA Speaking Engagements 11
Ohio Wrestles with New Law 12
Legislation Brewing in New Hampshire 12
Class Action Suit in Tennessee 13
Challenge to Certification Requirement in Iowa 13
Spiritual Warfare: Home Schoolers Face Intensified Conflict 14
The State of Confusion: Michigan 16
Notes for Members 17
States in Brief 18
Announcing the National Center for Home Education 20

The U. S. Senate Responds to Home Schoolers' Pressure

In one of the first major threats to home schooling from the Congress, the home schoolers took action and the U.S. Senate listened and responded.

HSLDA had been urging home schoolers throughout the nation to write or call their U.S. Senators and urge them to delete Title X from S. 695. This bill designated $25 million dollars to the National Board of Professional Teaching Standards, a private board controlled by the teacher unions. The NEA teacher union has a stated purpose of lobbying the state's to adopt teacher certification requirements for home school parents.

One of the National Board's goals is to dispel the myth that "any modestly educated person with some instinct for nurturing has the requisite qualifications to teach." It also is working to convince states to pass laws that would impose its national teaching certificate standards on teachers within each state.

Once HSLDA sounded the alarm to its members, home school organizations throughout the country reprinted the information and started their phone trees. Also the "Teaching Home" magazine staff worked tirelessly to get the word out. HSLDA's Michael Smith and Chris Klicka attended several meetings with U.S. Senators arranged by an HSLDA member Debbie Bond in order to make them aware of the danger of S. 695. Bond basically served as an HSLDA lobbyist as she constantly monitored the progress of the bill and contacted many other educational organizations to join in opposition.

When HSLDA received word of the day the bill was going to be voted on, the alarm was sounded again for one last push. Literally thousands of letters and phone calls flooded the U.S. Senators offices causing many Senators to express their surprise that they "didn't know that there was so many home schoolers out there." The pressure was felt by Senator Dodd who exclaimed, "We are debating this as if we were debating nuclear war."

The HSLDA staff, in turn, also handled over a thousand calls a day from home schoolers asking about S. 695 during the week of the vote. Michael Smith and Michael Farris of HSLDA spent much time talking with various Senators' assistants.

The Senator who led the opposition to Title X was Jesse Helms from North Carolina. He introduced an amendment to delete the $25 million altogether but it was rejected. Senator Helms then made an excellent speech urging the Senators to see the danger of this bill. In closing he said:

> "Mr. President, I do not want the NEA to be able to use standards emanating from a federally funded entity as ammunition in its efforts to force public school standards, methods, and philosophies on private religious schools and home schooling parents. These are citizens who have desperately tried to opt out of the public school system altogether. If left alone, they are more than willing to be judged by the educational progress of their students. That is a teacher competence standard that I am sure we will never see the National Board promulgate that competency standard for public school teachers because the NEA would never accept it. Too many of its members would flunk it.
>
> Mr. President, I urge the Senators to go on record as protecting the rights of parents to seek out alternatives to public education for their

continued on page 5

BEST COPY AVAILABLE

FROM THE EDITOR

As many of you have noticed, we were not able to send out a FALL edition of our newsletter. As a result, this issue will be our FALL/WINTER edition. The delay was due to the tremendous increase in legal contacts, litigation, and legislation activities which has demanded our attention.

We hope to meet our deadlines on future issues of the "Home School Court Report" because we have recently expanded our staff with Inge Cannon serving as our new Managing Editor.

In this issue, you will find of particular interest the column from our President, Michael Farris. He announces the recent establishment of the National Center for Home Education which will be operated as a ministry of HSLDA. We believe this Center will provide a greater service to our members and the home school movement generally as we formally expand our legislative and state networking activities.

We want to thank of all of our members who have continued to support us especially those who have stayed with us since the establishment of HSLDA in 1983. Your memberships enable us to legally defend home school families under attack throughout the country, provide legal advice to thousands, and influence legislation thereby giving the home schoolers a strong and effective voice before the school districts, courts, press, and the state and federal governments.

On a personal note, I thank all of you who have been continually praying for my family. My wife, Tracy, has been on a "roller coaster" as she fights the intestinal disease: two weeks of poor health and severe bleeding followed by three weeks or more of improved health and recovery and then it is repeated. This is much improved over the steady deterioration of her health which she experienced last year. Meanwhile, I have fully recovered from my accident and kidney stones. The prayers of God's people have sustained us and His grace has been more than sufficient.

Also pray for protection of our entire staff. Much sickness has swept through our offices as of late and one of our long-time staff members, Linda Meloy, continues to be afflicted with a severe back condition preventing her from working altogether.

Thank you.

Kansas Tremors

Kansas is one of twelve states where home schools must operate as private schools because there are no specific home school laws. Kansas is also one of those states that is considered a powder keg: at any moment it could explode.

At present, the State Board of Education is neutral [illegible] Court is against (in some cases) [illegible] most local school dis[illegible] are cooperative. HSLDA has been involved in or has knowledge of at least five recent and favorable trial-level decisions where home schooler were found to be legitimate non-accredited private schools.

Every year, HSLDA is faced with certain counties which challenge the right of home schoolers to operate. A common form of harassment takes place when school officials turn home school families over to the Social and Rehabilitative Services (SRS). Under the law, superintendents are only to turn over children to the SRS if the children are not in attendance at school. Since home schoolers formally file as a "non-accredited private school" and meet the same standards, their children are properly in attendance at school and are, therefore, not under the jurisdiction of the SRS. Although HSLDA and the home schoolers have convinced many superintendents of this fact, certain school districts still routinely turn families over to the SRS.

SRS Investigations and the Department of Education's List

In Johnson county, Canton, and Girard-Pittsburgh area, home schoolers were recently turned over to the SRS. HSLDA attorney Chris Klicka called the SRS agents and set the parameters of what would be discussed at a subsequent meeting. In each instance, the SRS interviewed the parents and closed the investigation because the claims were unfounded.

In several school districts around the state, superintendents have received a list of more than 900 non-accredited schools who filed with the state. The superintendents have then felt obligated to contact all the non-accredited schools in their district, many of which are home schoolers. As the HSLDA legal staff worked with individual families, all of these contacts have been favorably resolved, and none of the situations were ever turned over to the SRS. In Butler county, the superintendent tried to talk the family out of home schooling by expressing concern about how much money his school district would lose without the family's children enrolled in public school. The family would not change their mind!

The Melrose Case Victory

In Kingman County, The Melrose family, and HSLDA member, was charged with not having their child in attendance at a school. The SRS found that schooling was taking place but the local principal pushed for prosecution apparently because he did not believe home schooling was legal since it was not state accredited. HSLDA attorney, Klicka contacted the prosecutor and the court and was able to get the court date indefinitely postponed. Klicka then sent a lengthy letter to the prosecutor explaining the legality of the Melrose's home school and requesting a dismissal. A few months later the prosecutor finally capitulated and dismissed the case.

Kansas Legislative Research Department Finds Home Schooling to be Illegal

In another development, one school district threatened prosecution against a home schooler on the basis of a recently released memorandum called "Kansas Compulsory School Attendance Law and the Nonpublic schools" which was issued by the Kansas Legislative Research Department. The memorandum states:

> Is home instruction permitted in Kansas as an alternative to attendance at a public school? Is home instruction, in essence, the same thing as a private, denominational, or parochial school? The answer to both of these questions has been "no."

The memorandum continues by summarizing the three negative home school cases which have been decided by the Kansas Supreme Court. Chris Klicka is planning on preparing a response and critique of the report. Meanwhile, please pray that God will keep this memorandum from leading superintendents astray. Also we recommend that you get involved with the Teaching Parents Association, Box 3968 Wichita, KS 67201 in order to stay current on local home school news. □

School Districts Truant-Happy In South Carolina

In South Carolina many school boards have withheld their approval for parents to teach solely because the parents have not taken, or have failed, a qualifying test which was implemented for the first time this school year. These parents are in compliance with all other parts of the law, and it was legal for them to teach under the same circumstances during the previous school year. This year several families have been charged with truancy.

When the truancy petitions were filed, most of the families had already appealed the school board's decisions to disapprove. Attorney George Whitten of HSLDA had filed briefs with the State Board of Education or with the family court and had hired local counsel to work with them on these cases. In South Carolina petitions for truancy are heard by family courts. Appeals from school boards' disapprovals of home schooling families also end up in family court. Thus, families were being taken to the same court twice over the same issue.

Since the home school statute grants the right to appeal, HSLDA's position is that a truancy petition cannot be prosecuted against a family while they are appealing. For each member charged with truancy, HSLDA has obtained the agreement of the family court solicitor to withhold any action on the truancy petition until the family's appeal has been resolved.

So far during this school year, nine truancy petitions have been filed against parents who continue to teach their children before passing the newly required EEE test. A few of these charges have since been dismissed because the parents have passed the EEE. Appeals have been filed in Aiken County family court for the Fairchilds, in York County family court for the Dunbars (School District Four) and the Stameys (School District Two), in Lexington County for the Thompsons, in Bamberg County for the Sanders, and in Richland County for the McEntires.

An appeal is pending in Sumter County for the LaDues because Mrs. LaDue was under a surgeon's order not to sit for the EEE when it was given October 7th, and when the EEE test was re-scheduled for another city later that month, she had no transportation to the testing site because the Hurricane Hugo had damaged her car. The Rehrig family's appeal from Dorchester School District is pending before the State Board of Education. Three family court appeals for the Jarstfer, Shields, and Meschke families have been dismissed by consent of the parties upon the parent's passage of the EEE.

By pursuing these appeals, each member has been able to continue home schooling while waiting to register for the EEE or to receive scores from the EEE. Not a day has been lost by parents having to transfer their children into a public or private day school.

Meanwhile, the suit filed by HSLDA on behalf of the Orvins, challenging the EEE's validity for use with home schooling parents, draws closer to trial. Numerous expert witnesses and key players have given testimony at depositions in Seattle, Los Angeles, Washington, D.C., Atlanta, and Columbia. Your prayers are earnestly sought for Michael Farris as he prepares this case for trial. □

South Carolina Parent Testing: Who's Watching?

The word on the street is that members of the state education establishment in Georgia are watching for the outcome of the legal attack on South Carolina's parent-testing law with an eye toward adopting a similar home school statute for Georgia. Education officials in some states view South Carolina's law as a model for their states. If the South Carolina Department of Education prevails against HSLDA's legal challenge to the EEE's validity, other states may turn to parent testing, thinking that tests designed for the typical classroom teacher can quickly and easily be validated for use with parents.

In the lawsuit against the State of South Carolina over the EEE issue government educators are arguing that the task of the public classroom teacher is not that different from the task of the home school teacher; therefore, a test originally designed for the former can be used for the latter. The state claims that the test measures the minimum reading, math, and writing skills any teacher should have. However, the EEE was intended for college students planning to enter the teaching profession, and the questions were drafted to test classroom discipline skills, labor-management skills, and skills required to teach at both the high school and elementary levels.

In other words, the skills tested are not exactly "basic" (minimum is the State Department of Education's favorite word when talking to the media). First, some of the skills which are used at the high school level are by no means required to teach elementary grade levels. Second, the parent teaching at home generally has a class of three or four children, not twenty-two to thirty.

Third, the parent is not confronted with the same degree of discipline problems which comprises the background for some of the test questions, such as danger of bodily harm, sexual harassment and assault, drug distribution, obscene language, and peer pressure to act uninterested in academics.

Home school teachers are the principals and superintendents of their home schools; thus, they do not need to bargain for pay raises, earn tenure, or raise their districts in the statewide rankings. They do not worry about what causes and legislative lobbying their union dues are going to support.

Home school teachers are also the parents of their students. As such, they do not experience the internal conflict of trying to please both parents and the school superintendent. Home school teachers are the parents of all the students; so they do not have to please many different sets of parents simultaneously. The demands on the teacher at home are quite different from the demands on the classroom teacher.

Public educators in Georgia and other states considering parent testing need to watch . . . very closely!! □

Suda Family Victorious In First Legal Challenge Under New Pennsylvania Law

Four years ago Harmony Suda was in a serious sledding accident. As a result she could not attend public school. The school district sent a home-bound teacher to the family for one hour a day of instruction during four and one-half months. After a few months Harmony was so far ahead of her classmates, the instructor sometimes cut back to four days a week or spent much of the hour coloring with the child.

As a result of this episode, Joleen Suda, Harmony's mom, began investigating home schooling because she saw firsthand the advantages of one-on-one instruction.

This is now the Sudas' third year of home instruction, and it is the first full year for the family under the new Pennsylvania home schooling statute.

The Sudas reside in the Dallas school district. The Superintendent of the district, Gerald Wycallis, has been an open opponent of home schooling in the past. Under the old law he had filed criminal charges against the Suda family.

This year Superintendent Wycallis revoked the right of the Sudas to teach their middle daughter, Tiffany. His action was predicated by the fact that she is 12 years old and being taught a combination of 5th and 6th grade material. The superintendent claimed she should be studying 7th grade material.

A hearing was held on November 16th in Dallas, Pennsylvania on the Sudas' appeal of the revocation. Mike Farris represented the Sudas at the hearing with the assistance of George Whitten, HSLDA staff attorney, and Lee Piatt, local counsel.

Tiffany was in public school from the first through the fourth grades. During the hearing on the revocation, Mr. Farris was able to require the Superintendent on cross-examination to admit that Tiffany's grades and scores were steadily deteriorating as the public school pushed her to maintain pace with her age mates.

Although Tiffany is modestly behind her age mates in grade level, her achievement test scores demonstrate that her parents are providing her with a superior education. Her composite test scores at the end of the fourth grade were at 52nd percentile level, while her current test scores show that she is scoring at the 90th percentile.

Howard Richman, Ph.D., testified as an expert for the Sudas. He analogized the Sudas' approach to education to the Suzuki method of violin instruction. Students who learn the conventional method of violin instruction start playing simple tunes right away, while Suzuki students spend considerable time mastering the basic skills of holding the violin and bow movement. Dr. Richman stated that, if one measures the progress at an early stage, it seems the conventional student is ahead. But if you evaluate the end product, the conventional student has acquired mediocre skills whereas the student taught to master each skill before progressing is playing with concert-level skills after an equivalent amount of instruction time.

According to Dr. Richman's testimony, Tiffany was being taught to the mastery level of education while the public schools were satisfied with her progress at a mediocre level.

Pictured are the children of Pennsylvania members James and Karen Stobaugh: (from left to right) Rachel, Peter, Timothy and Jessica. Their case was recently filed in Federal Court.

On December 1, hearing examiner Paul L. Stevens released his written decision, holding that the Sudas' educational program was providing for adequate educational progress within the meaning of the Pennsylvania law. He upheld the family's right to continue home schooling Tiffany.

This case was the first such legal challenge under Pennsylvania's new statute.

Pittsburgh Suit

In September 1989, several home schooling families in Pittsburgh received announcements from Richard Wallace, Superintendent of Pittsburgh Public Schools, that he had the authority to require them to send their children to the public schools several times during the year for testing.

Like all Pennsylvania school districts, Pittsburgh must administer the statewide TELS test to the children sent to public schools. The Pittsburgh school district has developed an additional district-wide testing program, naming it Measuring Achievement in Pittsburgh (MAP). Finally, Pittsburgh's public schools annually administer the California Achievement Test. Dr. Wallace insisted that home-taught pupils be brought to the district's schools for testing on all the tests administered to public school children.

Pennsylvania law does not grant school districts power to select the test, testing site, or test administrator when a teaching parent has chosen which test his child will take, who will administer the test, and where the test will be taken. The State Department has approved, as it is required to do, at least five commercially-published, nationally-normed, achievement tests as options for home schooling parents. In fact, the State Department now lists eight tests for parental selection.

Nor does Pennsylvania law authorize public schools to demand that standardized tests be taken at the public school building if the teaching parent has decided that the test will be taken at home or any other location. Parents also control the selection of a test administrator. Finally, parents are required to report scores only for tests given in grades three, five, and eight.

Several HSLDA members recognized that Superintendent Wallace's insistence on annual and repeated testing at the public school with testing instruments chosen by the district and administered by the government teachers went beyond his authority. They replied to his letter, respectfully declining to participate in the district's testing programs and assuring him that they would be testing their children in compliance with the home school statute.

continued on page 5

PENNSYLVANIA
continued from page 4 . . .

After further correspondence between the school district and home schoolers regarding testing (the district seemed to put special emphasis on MAP tests), Superintendent Wallace announced that he was invoking a provision of the home school statute designed to provide a superintendent with evidence of an appropriate education when he is given reason to believe that an appropriate education is not occurring. On December 18th, he demanded the families submit a portfolio within 15 days and a school-teacher's written evaluation within 30 days. (Both are normally due at the end of the year.) Dr. Wallace's letter stated that since the parents had failed to produce their children for MAP testing, he believed that appropriate education might not be taking place; thus, he wanted a portfolio and evaluation from each family. Pittsburgh home schoolers immediately contacted HSLDA. Research confirmed that such a deliberate abuse of power, especially with vindictive motive, was a violation of the deepest principles inherent in the due-process-of-law protection of the Fourteenth Amendment.

Michael Farris dispatched a letter to Superintendent Wallace warning him of the possible repercussions if he did not withdraw his demand for the documentation. Dr. Wallace refused. His full-time school solicitor wrote on his behalf, asserting that only by having MAP test results could he be free of a reasonable belief that the children might not be achieving "at the expected rate."

Realizing that Superintendent Wallace had triggered his power to call for immediate portfolios and evaluations in retaliation for the parents' refusal to take their children to public schools for MAP testing, HSLDA and three home schooling fathers agreed on a course of action. Another Pittsburgh home schooler also decided to stand against Superintendent Wallace's misuse of the law. Attorneys Michael Farris and George Whitten of HSLDA filed a suit on behalf of four HSLDA families on January 29th under a federal statute which provides a way to redress a violation of civil rights such as Dr. Wallace's deliberate abuse of the superintendent's powers to retaliate against parents for defending their parental rights.

This suit (*Stobaugh, et al v. Wallace*) is not a test of Pennsylvania's young home schooling statute. This kind of suit could have been brought under very different laws. An official's deliberate or arbitrary abuse of power resulting in deprivation of a constitutionally protected interest or right has long been condemned by the American judicial system. A vindictive or malicious abuse of power is an even greater subversion of the principles of fair treatment when it comes from those entrusted with governing authority. It is now up to the school district, or the court if the district fails, to correct the superintendent's misuse of his office with regard to home schoolers who do not participate in MAP testing. □

Employee Changes

After many years of diligent service to our staff and member families, Ellen Schack has left HSLDA to pursue a career in real estate. We have been grateful for her dedication and the support she has given us and pray that God's blessings will accompany her new endeavors.

In the beginning of October, Chuck Hurst replaced Ellen as our Director of Membership Services. Chuck, his wife Dianne, and their children, Jennifer (age 5) and Jackye (age 3), moved from their home in Kankakee, Illinois in order to join us here at HSLDA. They are eagerly awaiting the arrival of their third child in May, 1990.

The Hursts have been very active in both private and home education, Chuck having taught in a Christian school for 10 years, and Dianne having written the Sentence Analysis course for the ATIA curriculum. We are looking forward to many years of working and fellowshiping with Chuck and his family.

Linda Croxall, one of our new receptionist/membership assistants, is also relatively new to the east coast. Prior to moving to Virginia, Linda lived in Santa Monica, California where she worked with our own Michael Smith when he was in private practice.

Elizabeth Wilson, also a receptionist/membership assistant, has joined us from a job with a local construction firm that handled the underground cabling for C&P Telephone.

We continually marvel at God's faithfulness in meeting all our needs and look forward to serving you with our ever-expanding team in the months and years ahead. □

U. S. SENATE
continued from page 1 . . .

children, if they wish, with as little interference from the Government as possible."

Finally, due to the tremendous pressure from homes schoolers and the diligent efforts of Senator Helms, an amendment protecting home schools and private school was passed. It states: "Nothing in this Act shall be construed to infringe upon the practice or accreditation of home school or private school teaching." Furthermore, Senator Helms was able to further clarify the bill's intent in the Congressional Record: ". . . this bill will not permit the Board to develop competency or assessment standards for home school parents. . . or private school teachers."

This amendment effectively ties the hands of the National Board prohibiting them from using their funds or research to promote restrictions on home schools and private schools.

Although this is a significant victory, the battle is not completely over. The House version of S. 695 is H.R. 1675. The House version does not include the funding for the National Board at this time. H.R. 1675 is expected to go to the floor in April. If it passes in current form, then it will be necessary to send the bill with S. 695 to a conference committee where anything may happen.

HSLDA realizes the formation of the National Center for Home Education (see the President's Corner) is certainly God's timing. With HSLDA's expanded staff, the Center will be carefully monitoring the progress of this bill and networking with the home school leaders in the 50 states informing them what action needs to be taken next. Before writing any more letters, wait to hear from your state leaders. There is a good possibility the home school amendment will remain intact.

Congratulations on all the home schoolers who took time to make a difference! □

"Humble yourselves therefore under the mighty hand of God, that he may exalt you in due time; casting all your care upon him; for he careth for you.

I Peter 5:6-7

Connecticut Home Schoolers Face Attack By Superintendent's Association

An uneasy truce which has prevailed between public school officials and home schoolers in Connecticut is threatened to be shattered as the state association of school superintendents advocates legislative changes which would give them unbridled discretion to approve or disapprove home schooling "applications."

Connecticut law has long been uncertain in its application. The state has an "old style" law which merely states that children must either attend a public school or their parents must be "able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." [Conn. Stat. § 10-184] Another statute places a duty upon local school districts to ensure that all students are attending school in accordance with § 10-184. School districts take the position that this provision gives them the responsibility of determining whether or not the education of the children in a home schooling program is "equivalent" to that provided in the public schools.

HSLDA takes the position that the school districts are neither required nor authorized to assess the equivalency of home schooling programs. We justify this by pointing out that the same rule is applicable to private schools; yet, the local school districts do not take steps to assess the equivalency of private schools. It would be a denial of equal protection to assess only home schools when they are in exactly the same statutory position as private schools.

This equivalency dispute has been kept within bounds for a number of years. No HSLDA member families have been brought into court, and all problems have been resolved to date by negotiated settlements.

This situation of long-term stability is beginning to crumble crumbling as a result of aggressive actions taken by certain local superintendents and the Connecticut Association of School Administrators (CASA).

The desire of Leo and Jan Brennan, HSLDA members from Avon, to home school their twin sons has been the event which has catapulted this dispute to the forefront. Jan is a certified teacher and a former public school teacher in the Avon public schools. When their sons reached compulsory attendance age (7), the school district made extraordinary demands upon the Brennans as a condition of securing the district's "approval." These demands included a monthly trip with mother and children coming in to the district office to conduct a lesson and quiz session in front of school administrators and teachers. The Brennans and HSLDA, of course, refused such demands.

After much haggling over these items with the school district's lawyer, the school board decided to ask the Connecticut State Board of Education to issue a declaratory ruling, clarifying the powers and responsibilities of the local school districts with regard to home schools.

The Connecticut Department of Education has long-standing guidelines concerning home schooling which have been applied in an overall manner friendly to home schoolers. The Department took the position that the guidelines were sufficient and there was no need for a declaratory ruling. The State Board agreed and on September 6, 1989, voted to decline to issue a declaratory ruling in the Avon matter.

The Board did ask the Commissioner of Education to study the guidelines and determine what revisions, if any, should be made to the guidelines. The Commissioner was also asked to study the possible necessity of regulations or legislation.

CASA lost no time in jumping on the prospect of new legislation, voting on October 12, 1989, to sponsor legislation which would require home schooling to be subject to uncontrolled approval authority of the local school districts, specifying eight items of information which the parents would, at a minimum, be required to provide.

Mark Stapleton, Chief of the Office of Legal Affairs for the Department of Education, has been conducting a study of the matter which includes consultation with the affected groups. After a meeting with school administrators, Stapleton held a meeting with Jan Brennan and Michael Farris, HSLDA president, on November 6, 1989. The meeting included other officials of the Department; Marie Della Bella, the home school liaison; Connie Green, the chief legislative officer; and Jean Campbell, a department official. The session was followed by a brief (unplanned) meeting with Gerald Tirozzi, Commissioner of Education.

Attorney Farris and Jan Brennan held a follow-up meeting with leaders of a number of Connecticut home school organizations. The unanimous sentiment was that the best strategy at the current time was to work with the Department of Education in trying to revise its non-binding guidelines, but to strongly oppose the approach of CASA in seeking a legislative change at this time. Home schoolers believe that the legislature would be reluctant to pass any

continued on page 7

HSLDA Board Members (from left to right): James Stroh, J. Michael Smith, Michael Farris, James Carden.

BEST COPY AVAILABLE

CONNECTICUT

continued from page 6 . . .

law on the subject at this time and that it would be doubly difficult to obtain legislation which would satisfy the home schoolers at this stage, given Connecticut's current political environment.

While it was decided that a report from the Department of Education would be presented for discussion at one of the State Board's meetings this spring, Mr. Farris receive an urgent call at the end of January indicating that the report had been circulated among authorities and would be discussed in a major strategy session two days later. In response to the conclusions of the Home Instruction Committee, a report on behalf of home schooling families was prepared and delivered by Michael Farris on February 7, 1990. Below is the introduction:

> "Home schoolers in Connecticut are desirous of developing a sound solution to the existing problems. Home schoolers rightfully insist that any process for seeking a solution includes us as full participants at the bargaining table. We believe it would be helpful for the Board to receive the concerns of home schoolers directly and in our own words.
>
> At the heart of our position is the indisputable fact that **home schooling is private education, not public education done at home**. This stems from the fact that all private Connecticut private schools— both private school and home schools—derive their statutory authority from the same single sentence in Conn. Gen. Stat. § 10-184. "[U]nless the parent or person having control of the child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." Thus, home schools cannot receive any different legal treatment than private schools in Connecticut. Home schools are simply "small private schools," not a separate legal category. Home schoolers legitimately resist any effort to subject us to more stringent regulations than those imposed on private schools.
>
> Home schoolers do not resist a constitutionally proper system of accountability. However, we do believe that such a system must be: (1) completely objective; (2) correlated to research-proven outcomes; (3) uniform throughout the state; (4) fair; and (5) limited to only those things necessary for the State of Connecticut to satisfy its limited interest of seeing that minimal skills necessary for literacy and citizenship are offered.
>
> Home schoolers resist any concept of receiving government approval for their home schools. This stems from both religious and constitutional concerns. Home schoolers generally are willing to meet objective standards, but will strongly resist any effort to subject us to an approval process. Efforts to subject home schoolers to subjective approval processes meets with double resistance."

HSLDA and National Center for Home Education will continue to monitor these developments and assist home schoolers in Connecticut as they seek to oppose the legislation recommended by CASA. □

Military Home Schoolers Fight to Preserve Their Freedom

This past Fall the Commander of an Army base in Augsburg, West Germany initiated an attack against home schoolers by instituting a policy that "strictly prohibited" parents from home teaching. According to an article in "The Stars and Stripes," a military newspaper, home school families were warned that they had one week to enroll their children in a recognized school (i.e., a Department of Defense Dependent School or an accredited German school), or face disciplinary action for misconduct.

In Military Community Policy Memorandum #31, Commander Del Rosso begins with an incredible assertion that children who are not enrolled in school are "a threat to themselves, their families and the military community" and contribute "disproportionately" to a whole spectrum of crimes and "anti-social behavior." He goes on to allege that while the Status-of-Forces Agreements grant NATO contingents the right to establish their own schools (DODDS), they require that children who are not attending a DODDS school must then attend a school "accredited by local state authorities." A home school does not meet this criteria and is "therefore strictly prohibited."

Commander Del Rosso's attempt to stamp out home schooling by instituting bad policies was met head on by the home schooling families in the community. Letters were immediately written to the Secretary of Defense and the Judge Advocate's office. James Horn, Education Liaison for the Office of the Assistant Secretary of Defense stated in his reply that "a dependent may choose not to enroll in our program [DODDS] and to elect, instead, an alternative enrollment; for example, a foreign language school, a private school, or in a home schooling program." Clearly, while the Department of Defense does not have specific regulations to govern home schooling, it obviously allows for it as an alternative to their Dependent Schools.

Furthermore, regarding the issue of attendance in an accredited German school, Capt. Chris Ambrose, Assistant Staff Judge Advocate stated in his response that "children are not subject to German mandatory attendance laws either because of NATO status of forces agreements which allow US forces to provide for the education of their own children." He also assured the home school family that the DOD General Counsel's office and DODDS administrators in Germany agree that it is not illegal for military families to home school.

Needless to say, Commander Del Rosso was forced to rescind his policy, and no further action was taken against any home schooling family. These unfortunate stituations arise when a Commanding Officer is misinformed regarding DOD policy or state law and tries to implement policies to prevent families from home schooling.

We are grateful to our home schoolers in West Germany who shared with us the replies from the Secretary of Defense and Judge Advocate's offices. Their statements help to clarify for all military families the Department of Defense's policy regarding home education. □

Massachusetts Faces Increased Conflict

During the 1988-89 school year, the HSLDA legal staff has seen more restrictive local school policies than ever before. Since the Massachusetts compulsory attendance law is so vague, each school district creates its own arbitrary home school policy. Depending on the school district, home schoolers this year are being subject to periodic home visits, quarterly meetings with the local principal to prove progress, every other month testing in the public schools, testing only by public school administrators, public school registration for their children, extensive curriculum requirements and various other approval requirements.

The HSLDA legal staff has represented approximately 45 families already this year through various stages of negotiations and conflict with their local school districts with the goal of getting the school districts to waive or rescind the objectionable requirements of their policies. Most school districts have already capitulated.

For example, several HSLDA families in Boston faced a home school policy which required four home visits per year and four meetings with the principal to review progress. In Brookshire, home schoolers were told their child must be tested every month in the public schools. In Norwell, a family was disapproved because they would not agree to have the children tested by the school five times a year. The Athol school district was especially typical of many of the school districts in Massachusetts since it tried to apply the two improper requirements of home visits and testing in the public school only.

In Quabbin, Cambridge, and Harwich, HSLDA members had to wrestle with requirements such as registering as a public student, periodic evaluation conferences, portfolio, following the school district's same scope and sequence, periodic review of socialization activities. In all of these school districts, Attorney Chris Klicka either counseled the family as to where to "draw the line" or he intervened directly. In every instance, often after much struggle, the school district "gave in" to the legal limitations presented by Klicka or the family and waived all of the excess requirements beyond an end of the year test or progress report.

Four situations are still pending. In Shrewsbury, an HSLDA family has been told they must have their child interviewed separately at least twice each year to make sure their is no child abuse going on! In Spencer-East Brookfield, the school district is still insisting on home visits while Holliston is insisting on three standardized tests being administered each year (in the public schools) to all the home school children. In the Wilbraham school district, the superintendent disapproved the Wilder family because they would not agree to his testing policy. Attorney Klicka has sent legal letters to all these school districts and is awaiting there response.

New Life Case Appealed

The recent decision in *New Life Baptist Church Academy* v. *East Longmeadow* by the First Circuit Federal Court of Appeals in Massachusetts has not helped the situation for home schoolers. The Federal Court of Appeals reversed the lower court's decision which had previously found approval requirements for Christian schools to be unconstitutional. The Court of Appeals found approval requirements to be constitutional once again subjecting Christian schools to excessive state regulation. This case negatively affects home schoolers by weakening their arguments against seeking "approval" of their home schools.

A rehearing has already been denied in this case but Mike Farris, president of HSLDA was asked to appeal this case to the U.S. Supreme Court on behalf of the Academy. (HSLDA had previously filed an amicus brief with the Court of Appeals). Farris filed his brief with the U.S. Supreme

continued on page 9

Maryland Refuses to Amend Ambiguous Regulations

Maryland regulations regarding home education provide for home instruction under a bona fide church organization. The Department of Education has heretofore taken the position that the bona fide church organization had to have a private school to facilitate the home instruction program. It appears that this was the intent of the State Board; however, the regulations were drafted in a way which created ambiguity regarding the intent. Several bona fide churches not having affiliated private schools have established home instruction programs pursuant to the regulations. Many school districts are threatening legal action against the parents of children enrolled in these programs because the bona fide church is not recognized by the State Department of Education.

Michael Smith, Vice-President of HSLDA, along with Gary Cox, administrator of Walkersville Chritian School, met with Dr. Adolphus Spain, Chief of the nonpublic school accrediation branch of Department of Education, and Mary K. Albrittain, administrator of home instruction program with the State Department of Education to try to resolve the problem. Dr. Spain and Ms. Albrittain were very cooperative and agreed to offer an amendment to the regulations which would remove the ambiguity. The amendments, if adopted by the State Board, would drop the reference to "school" as applied to the bona fide church organization. Unfortunately, the proposed changes were reviewed by the Attorney General's office, and concern was expressed over "school" being removed from the regulations. As a result, the department of education will not submit the suggested change to the State Board.

Ms. Albrittain will be contacting the relevent school district officials who have been dealing with those bona fide churches which have previously submitted letters of notification to the department of education, indicating that families enrolled in those programs should be left alone for the remainder of the school year. School districts will be instructing these parents that they can expect to have to submit a portfilio to the public school for review in the future.

Dr. Spain has retired and the new acting director of the private school division will be contacted by Michael Smith of our office in hopes of trying another approach to resolve this issue before school begins in the fall. □

Virginia: Gains and Losses

In Virginia, home schoolers have two options: they can either comply with the home school law or operate under the religious exemption statute. Those complying with the home school statute generally experience less difficulty than those operating under the religious exemption. Below is a summary of activity home schoolers have faced this school year.

Testing Disputes

Home schoolers who comply with the home school law must have their children either tested or evaluated every year according to Virginia Code § 22.1-254.1(C). Under the law, home schoolers can use any nationally recognized standardized achievement test, have their child tested anywhere (home, church, private school, public school), anytime (as long as test results are turned in by August 1), by anyone. Whether the family has their child tested or evaluated, there is no requirement under the law that the evaluator or test administrator be approved in advance by the local superintendent.

However, some counties already this year have established policies requiring home schoolers to have their test administrator or evaluator approved in advance by the superintendent. Other school districts are trying to require home schoolers to be tested in public school only. Still other school districts are only allowing one type of standardized test to be used. However, none of these school districts have any authority to enforce these policies because they exceed their authority and limitations established by law.

The HSLDA legal staff has counseled many families to merely tell the school districts who inquire that they will send in test results or an evaluation by August 1 and give no further detail. All the school districts so far have backed down from enforcing these testing policies.

Religious Exemption Victories

The religious exemption option found in § 22.1-257(A) (2) is chosen by only a minority of Virginia home schoolers. In order to be officially recognized as having a religious exemption, a family has to submit a description of their religious beliefs to the school board in order to have them approved by the local school board. The local school board makes a determination of whether or not the family's beliefs are "bona fide religious beliefs."

Many school boards simply follow the law and grant religious exemptions. The Andersons in Washington County, the Sochors in Franklin County, Angiers of Abelmarle County, and the Howells in Roanoke County, all received official religious exemptions from their respective school boards after counseling with HSLDA's legal staff. None of these families had to attend a school board hearing.

HSLDA's senior counsel, Chris Klicka wrote letters to school boards on behalf of the Hauenschilds of Pulaski County, the Slaughters of Mathews County, the Rolands of Arlington County, the Servais of Caroline County, the Straights of Frederick County, the Burgers of Winchester City, and the Eales of Roanoke County. All of these families were subsequently granted religious exemptions. Most of these families had to attend short board hearings.

Two of these families, the Rolands and the Eales, had a more difficult time. The Rolands of Arlington were first turned in to the Pro-Child Department which sought to investigate educational neglect and question the children because they were not in school. Attorney Klicka intervened on their behalf and was able to get the investigation dismissed in spite of the objections of the Pro-Child agent. Klicka then arranged a meeting with the Rolands and a designee of the school board who subsequently presented a favorable recommendation to the school board.

The Eales, as is the custom in Roanoke County, had to presevere through a three hour "trial" before the school board. Attorney Klicka represented them at the hearing. Although the questioning was intense and the school board attorney argued the Eales should not receive a religious exemption, the Board ruled in the Eales' favor.

Meanwhile, HSLDA has at least 30 religious exemptions still pending before school boards not counting the 35 or more religious exemptions pending in Fairfax county alone. Some of these religious exemptions are pending in Richmond, Norfolk, Caroll, Loudoun, Suffolk, Montgomery, Chesapeake, Newport News, Sussex, and Orange counties.

Three Families in Court

The Morgan and Johnson cases before the Prince William County Circuit Court were recently decided in January 1990. In both cases, the same judge made the same ruling: he believed that since the Prince William school board did discuss religious beliefs, he would not "second-guess" its decision. As a result, he found the school board's denials of religious exemptions for both families not arbitrary or exceeding its

continued on page 17

MASSACHUSETTS

continued from page 8 . . .

Court this January. In his brief, Farris argues that the time is ripe for the Court to finally take a Christian school case. Dozens of home school and religious schools have been appealed to the U.S. Supreme Court over the years but the Court has never yet, in its discretion, chosen to take a case involving the question: How far can a state regulate Christian education?

Please pray that the U.S. Supreme Court will decide to take this case for the purpose of reversing this harmful decision.

The Need to Organize and Strategize

In light of the precarious legal atmosphere and the increasingly restrictive local policies, home schoolers throughout the state need to unite and organize. One possible solution is to seek legislation that would cure the vagueness of the present laws and impose very clear, uniform, and minimal conditions on home schoolers. Recently, a new organization, Mass HOPE (Massachusetts Homeschoolers Organization of Parent Educators) has organized and is planning a state-wide conference this April 6th and 7th.

The purpose of the conference will be three-fold: to make curriculum exhibitors available, to provide academic guidance and tips, and to plan legal and legislative strategy. Of course, there will also be the opportunity to get to know one another and encourage one another. Chris Klicka of HSLDA will be speaking at three sessions. All home schoolers are urged to take advantage of this opportunity and contact Beverly Somogie, Mass HOPE, 15 Ohio St., Wilmington, MA 01887 (508) 658-8970 for information on registration. □

California Holds The Line

By: J. Michael Smith

This school year has brought more excitement than any other regarding the issue of home education in San Bernardino County. School districts in San Bernardino sent letters and, in some instances, made telephone contact with all private schools which had an enrollment of less than 6 students as indicated on their private school affidavits. The letters informed the home schooling families of the independent study programs (ISP) offered through the public schools and encouraged them to join.

However, the letters went on to say that those home schoolers who did not participate in the ISP would be required to submit to verification by a public school official that the appropriate records were being kept; that the curriculum satisfied the course of study requirement; and that health and safety requirements were all being met. One school district required an occupancy permit, while another was insistent that home schoolers had to meet with the truant officer to review their curriculum before they could legally home school.

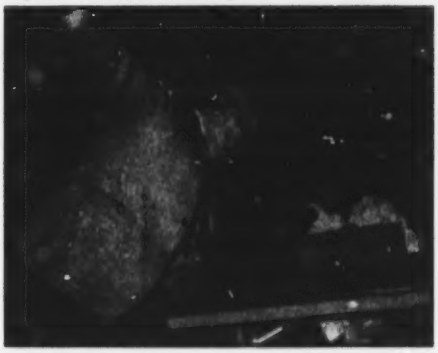
From Bad To Worse

San Bernardino had one of the best working relationships with home schoolers in the state prior to these developments. Then the real blockbuster came. Accompanying the private school affidavits for the 1989-90 school year was a 3-page letter from the truant officer for San Bernardino County with many pages of attachments. The essence of the letter was that home schoolers no longer be allowed to enter "N/A" in Section V of the affidavit regarding the fire and health inspections. HSLDA has always held the position that since education is taking place in a home, these inspections are not applicable.

The question continues to be raised, "What was the motive behind this change in policy?" The affidavits for previous years had language on them, indicating that someone would be required to sign off the fire and health inspections if these were not applicable. However, that language has been removed from this year's affidavit. This action was a drastic departure from the status quo in San Bernardino County.

Hot Spot In Fontana

At the present time only one school district, Fontana, persists in challenging the right of home schools to exist as private schools without being "approved" by the local attendance officer. This district is taking the position that the attendance officer has a right to verify the affidavit by requiring the parent to submit, for inspection, the records required to be kept pursuant to § 33190 of the Education Code and to ensure that the curriculum covers the required courses of study.



At the Home School Leadership Conference in Leesburg, Zan Tyler and Dennis Smith , among others, present a skit. This scene shows "Phil Dona-who?" interviewing a home school mom.

Right To Approve?

We have explained in detail in previous newsletter HSLDA's position on this request. Briefly, we view this communication as an attempt to license private schools, an action not permitted under the law in California. The demand for review of records is simply based upon the fact that the school district determines by enrollment that the private schools in question are home schools and are somehow subject to receiving the approval of the public school to operate. To our knowledge, none of the private schools in Fontana, other than the "suspected" home schools, have been contacted with this demand. A different set of rules seems to be applied to home schools as opposed to the larger private schools.

Authorities have threatened to take families who have refused to comply with these requests before the Student Attendance Review Board and ultimately refer them to the District Attorney for prosecution, if necessary. Pray for these families and this situation.

No Improvements In Los Angeles or Alameda

Los Angeles and Alameda Counties continue to return affidavits which have "N/A" marked in the fire and health sections. The reason given for the return is that the form is "not properly filled out" because of the "N/A" designation. The County Superintendent's office has no authority to reject affidavits. The code specifies that the affidavits be filed with the State Department of Education; the papers are simply filed with the county out of convenience to all concerned.

In Los Angeles City school officials have contacted several independent study schools with the same demands made by officials in San Bernardino County, i.e., the desire to examine records and review curriculum. Once again, the issue is not a suspected truancy, but rather the officials simply wanting to inspect the school's records. Most of the schools have taken the same position as the families in Fontana, and the officials are seeking legal opinions from their county attorneys. There has never been an opinion from a county attorney in the state of California, which was favorable to home education. The Fontana district has indicated that its county attorney supports the view of their right to approve private schools.

Dark Clouds - But Not In Court

At present, no court actions have been filed against any HSLDA members despite the tremendous upheaval across the state regarding this issue. There are some school officials who will not let this issue rest. One interesting development is that some school districts which have been hostile to home education in the past, have now backed away from the position that home schools are illegal. This ploy, however, seems to place such burdensome regulations on home schools that they will be forced out of existence.

CPS Contacts On The Rise

The last development which needs to be addressed is the potential for contact from Child Protection Services workers. These workers are not associated with the school district but with the juvenile court.

continued on page 11

CALIFORNIA

continued from page 10 . . .

Their jurisdiction encompasses child neglect/abuse and delinquency actions. These types of contacts seem to be on the rise across the nation, and two of our California families have been visited by Child Protection workers this school year. In both cases anonymous reports were made, and the social workers indicated that in such instances they were required to make contact in the home with the parent and child.

In both situations the families were completely vindicated, but the potential for disaster is ever present should an ill-motivated social worker be assigned to a case (e.g., a person who is opposed to home education and looking for an excuse to disrupt and stop the home schooling process). Some view Biblical discipline as child abuse and suspect home schoolers because they keep ("isolate") their children at home and are "fundamentalist" in their religious views. In neither of the above situations was home schooling mentioned as the primary complaint, but it was brought up as a concern because the children were not in a school situation where they could be observed by others.

The constitutional right to be safe from unreasonable search and seizure has been eradicated in this area, and innocent families' homes are being invaded without just cause. Pray for wisdom as we seek to how to re-establish the right provided by the Constitution to be secure in our homes. □

Tracy and Kathleen Johnson continue their battle in Virginia for religious exemption to home school their children (L to R) Jeffrey, Brandon and Jesse.

Upcoming HSLDA Speaking Engagements

Below is a list of conferences where HSLDA attorneys will be speaking. We encourage home schoolers to attend these conferences for fellowship, teaching tips and legal and legislative strategies. Please contact us if interested in obtaining a HSLDA speaker.

Alabama Home School Workshop
(Gregg Harris)
March 9 and 10
Birmingham, Alabama
Christopher J. Klicka
Contact: Wayne Atchison
205-664-1633

Home Education Association of Tennessee Convention
March 24 - Nashville, Tennessee
Michael P. Farris
Contact: Terry Wade
901-683-6693

Texas Home School Workshop
(Gregg Harris)
March 30 and 31 - Dallas, Texas
Christopher J. Klicka
Contact: Fred Cooper
214-840-8342

Iowa Home Educators Association Curriculum Conference
March 31 - Des Moines, Iowa
J. Michael Smith
Contact: Cindy Johnson
515-262-9088

Massachusetts HOPE 1st Annual State Convention
April 6-7 - Woburn, Massachusetts
Christopher J. Klicka
Contact: Beverly Somogie
508-658-8970

7th Annual Home Education Convention (INCH)
April 20 - Grand Rapids, Michigan
Christopher J. Klicka
Contact: Roxanne Smith
616-364-4438

Nebraska Home Educators Association Statewide Conference
April 27 - Lincoln, Nebraska
Michael P. Farris
Contact: George Stroh
402-472-9925

Regional Conference of Christian Home Educators (Gregg Harris)
May 4 and 5 - Washington, D.C. Area
Michael P. Farris
Contact: David Smith
301-725-5050

Alabama Home Educators 2nd Annual Convention
May 19 - Mobile, Alabama
Christopher Klicka
Contact: Jim Wade
205-865-3379

North Carolinians for Home Education Convention
May 25 and 26 -
Raleigh, North Carolina
Michael P. Farris
Contact: Bob Kretzu
919-894-3187

Missouri State Home Educators Convention
June 1 and 2 - Independence, Missouri
Michael P. Farris
Contact: Tom Dreschel
314-442-7608

Bob Jones University - (Exact dates not known.)
State-wide Home Schoolers Convention
June 4 thru 8 - Greenville, South Carolina
Michael P. Farris
Contact: John Cross
803-242-5100

Illinois Christian Home Educators Conference
June 9 - Chicago, Illinois
Michael P. Farris/Christopher Klicka
Contact: Jerri Sisson
312-623-4843

3rd Annual Maine Home School Conference
June 23-24 - Lewiston, Maine
Christopher J. Klicka
Contact: Maine Home School Asso.
207-777-1700

6th Annual CHEA Convention
July 14-15 - Los Angeles, California
J. Michael Smith
Contact: Phil Troutt
213-864-CHEA

Regional Conference of Christian Home Educators
August 3 - 4 - Syracuse, New York
Michael P. Farris
Contact: Sharon Grimes
317-576-9376

Ohio Wrestles With New Law

Transition Period Under New Regulations

The new home school regulations which took effect August 1, 1989, have had an overall positive effect in the state. While the transition was smoother than anticipated, there have been some problems in a number of school districts, although the battles are fewer. Many superintendents initially took the position that the rules were simply "minimum" requirements which home educators had to fulfill and that the superintendents could continue impose additional requirements. This battle raged until the State Department of Education informed them otherwise. A number of superintendents did not want to accept this position and proceeded to draft and attempt to enforce their own home education policy in addition to the State's regulations.

Conflict Over Meetings

The greatest uproar occurred when superintendents requested families to meet with them or their designee. One superintendent, when informed by the family that they declined to meet because the law did not require such meetings, contacted the State Department of Education and was told by an official that his request "sounded reasonable." When HSLDA's Michael Smith contacted that state official, he indicated he believed it was reasonable to ask for a meeting, but conceded that it could not be required. The superintendent in this instance, was being informed that meetings could not be required and that the failure of the home educator to cooperate could not be used against him, was forced to back down on his demand.

In another situation the superintendent informed HSLDA that if the family did not meet with him, he would simply send the sheriff to the house to investigate because "they must be hiding something." He further advised us that his job was to enforce the child abuse laws. Since he did not know the family, he was trying to ensure by a meeting that the children were not being abused or neglected. Needless to say, this is not the legal function of the school superintendent; thus, he reluctantly backed down and excused the children from public school attendance.

However, about a month after being excused, the family was contacted by a social worker claiming her office had received a report that the children were being neglected. Attorney Michael Smith spoke with the social worker, who would not disclose the source of the complaint and insisted upon contact with the parents and children. She indicated that she was not concerned with the home school aspect, but the neglect or abuse issue. We do not know who made the complaint against the family, but this family has been home schooling for many years with no previous contacts or complaints against them. One would certainly hope this action was not precipitated by the superintendent.

Is No News - Good News?

A common event is the superintendent's non-response to the Notice of Intent. The rules specify that the superintendent is to respond in writing within fourteen days of receipt of the notice. If the superintendent finds that it is in compliance with the rules, he is to notify the family that the child is excused. If there is a problem, he is to identify the particular problem in writing so that the family can respond. It is HSLDA's position that a non-response is the same as an excuse in light of the fact that the burden is on the superintendent to respond.

continued on page 13

Legislation Brewing In New Hampshire

In November Michael Smith received word that Senator George Disnard, Chairman of the Education Committee, was preparing to introduce legislation dealing with home education. Attorney Smith made an appointment to meet with Mr. Disnard to discuss the proposed law before introducing it. Mr. Smith traveled to Concord, expecting to meet with Mr. Disnard alone. To his surprise the meeting was attended as well by Charles Marsten, then Deputy Commission of Education, Judith Fillion and Pat Bussell with the Department of Education, a representative from the State School Board's Association, and Ellen Ann Robinson, State Representative and School Board member of the Litchfield School Board.

The session was quite interesting, and the conclusion was that no one was satisfied with the bill drafted by the legislative liaison for the Department of Education. Mr. Disnard agreed to try to work with a coalition of home schooling leaders to attempt to amend the legislation so that it would be palatable to home schoolers. However, the bill was submitted by January 3, 1990 (the legislative deadline) without input from home schoolers.

Mr. Disnard indicated that he had two motives for initiating legislation. First, Superintendents have indicated that they do not want the hassle of dealing with the issue any longer. They want the State to take the responsibility. Secondly, he desires to see a law which would be consistently applied throughout the State. The introduction of the bill may be a blessing in disguise for home schoolers because of what has transpired.

The immediate benefit which resulted from Mr. Disnard's actions was that the home schooling leaders from the different support groups around the state came together and united on the strategy which should be applied and the types of legislation they could support. Elaine Rap, Dick Merriman, Dan Gobel, Deane Stephenson, and others are to be congratulated for the way they have organized and mobilized to wage this legislative battle.

The home schooling leaders met and drafted alternative legislation for consideration by the Senator. He referred the matter on to the Department of Education, and Pat Bussell, an employee of the Department, drafted legislation to amend SB 373 (Senator Disnard's bill) using much of the suggested amendments advocated by the home schoolers. In its amended form, the bill went before the Senate Education committee and passed unanimously. It then passed the Senate by voice vote and is

continued on page 13

OHIO

continued from page 12 . . .

Still Seeking "Approval?"

A persistent problem is the superintendent's failure to use the language in the regulations. Superintendents are still sending out letters "approving" the parents' right to home educate. The rules provide that the child must be excused if the notification requirements are met. The superintendent does not have authority to approve or disapprove a properly prepared notification.

Evaluation Battles Lie Ahead

Home educators are to be congratulated for their response to this new law. They represented themselves very professionally and responsibly in organizing for the implementation of the rules. The public education community was much less prepared, and in some cases, downright belligerent. It will be interesting to see how the superintendents respond to the various alternatives available to home educators for evaluating a child's academic progress. Some superintendents are likely to hold the position that children have to be tested in schools or by school officials. We hope this issue does not end up as a battle. By way of advice, familiarize yourself with the various options now, so you will be prepared when the time comes to perform the evaluation. Evaluations are to be included with the next notification.

At present none of our member families have been denied after following the notification procedure. This is a positive testimony for the regulations, but victories have not come without extreme diligence. □

NEW HAMPSHIRE

continued from page 12 . . .

now in the lower house where some representatives have already voiced opposition. At the date this article was drafted, the house education committee was scheduled to hear debate on March 15. Michael Smith has been requested to testify on behalf of the bill.

Please contact your home schooling support group to obtain the latest information on the bill so that your voice may be added to bring victory in this legislative struggle. □

Class Action Suit In Tennessee

Tennessee's good home school law has been spoiled by unbelievable restrictive interpretations by the Commissioner of Education. Mike Farris of HSLDA filed a class action suit in October against the Commissioner to stop him from perpetuating these harsh rules (*Crites* v. *Smith*). There are two areas of conflict involved.

Tennessee law requires home schooling families who want to file their notices with the public schools to do so by August 1st of each year. This school year several member families moved into Tennessee after the August 1st deadline. In the past, the Commissioner of Education ruled that these families cannot home school because they "missed the deadline."

Home schoolers can as an option, elect to be supervised by private church-related schools. Then August 1st deadline does not apply to these families. However, the private school option is only available to grades K-8; so a family moving into Tennessee (or who desires to start home schooling mid-year for any other reason) cannot home school their high school student under this ruling by the Commissioner.

The second issue also involves high school students. Tennessee law requires a parent who teaches high school students to have a bachelor's degree. Even though the legislature has stipulated that this requirement could be waived on a year-by-year basis, the Commissioner has steadfastly refused to grant any waiver for any family for any reason.

HSLDA filed a previous federal suit last summer on the August 1st issue which the federal court held to be moot because the family involved had an opportunity to file their notice for their second school year

continued on page 19

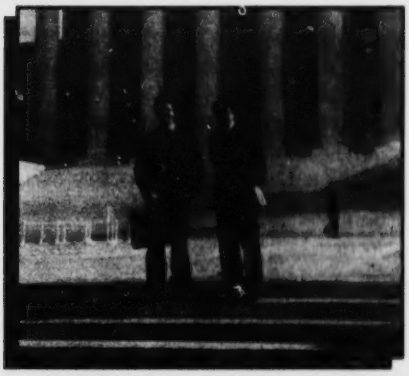
Challenge to Certification Requirement in Iowa

This past Summer HSLDA filed a declaratory relief action in Polk County (Des Moines) on behalf of five member families. The action challenges the enactment of the certification requirement of 1953. The basis of the lawsuit was that the "single subject" rule was violated when the legislature enacted a bill to reorganize the Department of Education. This bill also included a provision changing the language of the law from "competent teacher" to "certified teacher" for private instruction requirements.

The Iowa Constitution requires that any proposed legislation address a single subject in the act. The position held by HSLDA is that private education and public education are different subjects. Additionally, the act must must contain a title which gives sufficient notice to interested parties as to the contents of the act. The act in question did not provide any notice that private education, teacher qualifications, or private instruction would be addressed. There would have been no indication that the act was going to change the requirements for teacher qualifications for private instruction.

HSLDA member families moved for a summary judgment on the 28th day of September 1989, arguing that there were no questions of fact to be decided and that the Judge should declare certification unconstitutional for the above reasons. Judge Ray Hanrahan, Fifth Judicial District Judge, rendered a decision on the 8th of December 1989, denying the families' motion. He ruled that the provision in the act which related to certification had been enacted legally. The families have filed a notice of appeal, and the case will either be heard before the Iowa Supreme Court or the Intermediate Court of Appeals.

It was reported by the media that the Judge had upheld the constitutionality of certification. While he did do so indirectly, the attack on certification was not a substantive attack but a procedural attack on the enactment only. Therefore, the constitutionality of certification was not really addressed in the lawsuit. The reason the lawsuit was brought on this one narrow issue is because courts in Iowa have been dodging this argument in other cases, and we wanted to make sure they would address the issue. Please pray for a reversal of this decision as it would effectively eliminate the certification requirement in Iowa. □



L to R: Chris Klicka and Mike Farris stand in front of the U.S. Supreme Court building on December 4, 1989 after Chris Klicka was sworn in to the U. S. Supreme Court Bar.

SPIRITUAL WARFARE:

Home Schoolers Face Intensified Conflict

By Chris Klicka

You are at home diligently teaching your children when you hear the unwanted knock at the door. You hope it is just a salesman but you know deep inside it is probably a public school official. You offer a prayer, answer the door, and instead of only a truant officer, you find a child welfare agent. What are they doing here!

This scenario may sound dramatic, but this is exactly the type of contacts more and more home schoolers are receiving throughout the country. I have handled thousands of legal conflicts in the last five years between home schoolers and the state, and this year, there has been more child welfare or social service investigations than all of the previous years combined. I used to talk to a child welfare agent every couple months but now I talk to a at least two agents every week.

Why is there such an increase in child welfare contacts?

It seems apparent that some school districts are starting to play "hardball" with home schoolers. They see the child welfare and social service agencies as a "back door" way of closing down home schools. In several instances, I have tracked down referrals to child welfare agencies to the local principal or truant officer.

I believe another reason more home schoolers are referred to social service is because of the availability of "child abuse hotlines." Although these "hotlines" can be used for a good purpose, they can also be used to harass home schoolers. Nasty neighbors who resent the fact that a particular family is home schooling, can make an anonymous call to a "hotline" and fabricate some story about child abuse going on at the home of the home schooler. In most states, the child welfare worker, has an obligation under law, to investigate all referrals, even if based on an anonymous tip, within 24 or 48 hours. As a result, home schoolers are being subjected to some very intimidating confrontation with child welfare agents.

Of course, what makes child welfare and social service agents so intimidating is that, unlike truant officers, they have the power to take children from the parents.

In every instance so far, we have been successful, by God's grace, to resolve the investigations favorably by counseling the family or intervening directly with the child welfare agent. In fact, in HSLDA's entire history since Michael Farris founded it in 1983, we have never had any children taken from the home over home schooling nor have any families ever had to stop home schooling. We give God all the glory.

Are any states safe from these type of investigations?

I have found that home schoolers from both favorable and unfavorable states toward home schooling have experienced child welfare investigations. For example, in Georgia, normally a favorable state, one family who was following their religious convictions concerning home educating was harassed by the local truant officer. After awhile, he decided to turn them over to a social worker for educational neglect. Another group of families were intimidated by a social worker who attempted to circumvent the home school law and impose illegal requirements on them.

In Colorado, a family was investigated by a social worker because a police officer who the family called to investigate an attempted burglary turned them in. In Virginia, a family was turned over to the child welfare even though they were operating under a religious exemption as allowed by statute. The child welfare agent tried to intimidate the family in order to meet with the children privately. In Oklahoma, a child welfare agent came to the door as the result of a neighbor turning the home school family over for child abuse because they were home schooling. In Alabama, a family was told to come down with their children to the child welfare office where their children were interrogated separately as the result of neglect allegations.

In Indiana and Illinois, home schoolers were reported over to the child welfare by nasty neighbors who fabricated stories about child abuse. In Michigan, child welfare and social service agents are more plentiful then virtually any other state. On numerous occasions, home schoolers have been turned in to child welfare by their school officials who have been frustrated because they cannot can prosecute them under the truancy laws.

In Kansas, the law requires that any child who is reported as "not in attendance at school" is automatically turned over to the local social service agency for possible educational neglect. Superintendents who do not recognize children in non-accredited schools which operate in the home as being in attendance at school, routinely turn them over to the social services for an investigation.

HSLDA has helped members in virtuall y every state who have been contacted by child welfare agents.

What type of allegations are being raised?

Nearly every type of allegation has been raised against home schoolers. Usually it is a combination of things. For example, a common allegation is neglect of education and an untidy house. Sometimes there is accusations that the children were seen regularly playing outside during school hours or seen playing outside at dusk. Many times there is an accusation of the children having worn out clothes. In some instances, spanking has been one of the allegations.

For example, a home schooler was reported after spanking a child in public. (As a safety precaution, do not ever spank your children in public; wait to discipline them at home.) Another home school father was seen picking his two year old child up by her arm and taken into the house while the child was crying and reported for child abuse.

Everyone of these situations was linked

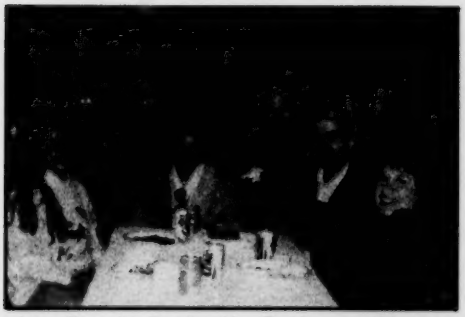
continued on page 16

The State of Confusion: Michigan

Michigan is one of the only two states in the country that requires all teachers, including parents, to be state certified. This teacher certification requirement, however, is somewhat elusive.

In 1984, the Michigan Court of Appeals ruled in the *Sheridan Road Baptist* case that teacher certification must be applied to Christian schools. As part of this same case, however, the Michigan Department of Education later in 1987, agreed to recognize all nonpublic schools which had individuals with four-year college degrees involved in their school as long as they filed according to the "Third Party Reporting Procedure." [See *Sheridan Road Order*.] Meanwhile, the Attorney General recognized that home schools are nonpublic schools and the state has no authority to approve nonpublic schools even though the law states nonpublic schools must be approved.

As a result, later in 1987, several home school leaders met with Michigan Department of Education officials making sure the college degree exemption would be applied to home schools which are also considered nonpublic schools. The state assured the home schoolers that it would be applicable. A few months later, certain state officials changed their minds and sent out a memo to all the school districts, stating that the "Third Party Reporting Procedure" would not be applied to home schools because they are not nonpublic schools. Since the right of equal protection demands that all nonpublic schools be treated equally under the law, over 300 home schoolers have filed the Third Party Forms anyway.



Attending the Leadership Conference this past October were (seated from left to right): Roxanne Smith, of INCH in Michigan; Arleen Alejado, a Hawaiian home school leader; HSLDA attorney Chris Klicka; and Dave Kallman, an attorney from Lansing, Michigan, with his wife Beth.

A few years ago the Michigan Department of Education issued "Compliance Procedures" which mandated that home schools use a certified teacher full time. They relied on those "Compliance Procedures" as the only legal way for home schoolers to comply. However, a Michigan court in the *Clonlara* decision declared the state's "Compliance Procedures" unconstitutional.

Are you confused yet? You are not alone. Local school districts throughout the state are also totally confused and do not know what to do with home schoolers. The ambiguity does not look like it will be cleared up in the near future because of two further developments which add to the present confusion.

The DeJonge Case

On August 8, 1988, the Court of Appeals ruled against the DeJonge family (who completely objected to teacher certification on religious grounds) and the Bennett family (who used certified teachers some of the time). The Court held that the DeJonges' beliefs were not sincere and that the law requires a certified teacher to teach 180 days for 900 hours.

Attorneys Chris Klicka and Michael Farris requested a rehearing before the same court. In a rare occurrence, the Court granted a rehearing and issued a <u>new</u> opinion on November 6, 1989, showing everyone that they, too, are <u>confused</u> about what the law requires. In the new opinion, the Court of Appeals <u>deleted</u> its previous assertion that the certificated teacher "provide a minimum of 180 days and 900 hours." The Court deleted numerous inaccurate descriptions of the DeJonges' religious beliefs and also changed its original finding of August 8 that Mr. DeJonge's beliefs were not religious. Instead it found Mr. DeJonge's beliefs both religious and sincere.

Nonetheless, the Court still would not overturn the DeJonges' and Bennetts' convictions because it believed the teacher certification requirement to be "one of the backbones" of Michigan education and the least restrictive means (even though 48 other states do not require teacher certification).

Attorneys Klicka and Farris filed an appeal and supporting brief with the Michigan Supreme Court in December. Dave Kallman of Lansing continues to serve as local counsel. The American Civil Liberties Union (ACLU) and Concerned Women for America (CWA) are both submitting "friend of the court" briefs supporting HSLDA's position. In the next three to six months the Michigan Supreme Court will decide if they will accept the case or not.

Please pray fervently that God would move the Court to take the case for the purpose of reversing the Court of Appeals.

The DeJonge family. Their case has been in court since 1984, and is now on appeal to the Michigan State Supreme Court.

The Department of Education Sends Out a New Mailing

As if there were not enough confusion, in early January Jean Shane of the Michigan Department of Education sent out three different kinds of letters to over 300 home schoolers throughout the state, telling them they could not do Third Party Reporting, even though they have been legally following the procedure for the last two years. For families who did not file the Third Party form, she asked to set up a time someone from the state could "visit" their schools.

Chris Klicka of HSLDA recently sent the Michigan Department of Education a response on behalf of over 250 HSLDA members, explaining that the families were fully legal. He detailed the case precedent discussed above and reminded the state that it was obligated under the law to grant an administrative hearing to <u>each</u> family who was accused of not being in compliance. As more families are being contacted by the state, Mr. Klicka will be sending additional responses on their behalf.

continued on page 16

SPIRITUAL WARFARE
continued from page 14 . . .

to home schooling and served as a "back door" way of harassing home schoolers.

Each time a family was contacted by a child welfare agent, they called me. I responded by calling the agent, finding out the allegations, explaining the legalities of the family's home school, and setting the parameters for a meeting with the family, if necessary. Although I would not allow the child to meet with the child welfare agent, on certain occasions the parents would meet with the agent according to the limitations I set up beforehand.

More often then not, the child welfare agents were relying much more on intimidation rather than any substantial evidence. In fact, many times the agents tried to claim they had a right to enter the home schooler's house or immediately talk with the children, when in fact they had no right at all. All situations have been resolved without going to court with every allegation being false or extremely exaggerated. (Note: HSLDA members should never let a social worker into their home unless they call HSLDA first or if the social worker has a warrant signed by a judge.)

The Spiritual Attack

It is clear that home schoolers are under attack this year: but it is more than a physical attack, it is a spiritual attack. The scriptures tell us: "Put on the full armor of God that you may be able to stand firm against the schemes of the devil. For our struggle is not against flesh and blood, but against the rulers, against the powers, against the world forces of this darkness, against the spiritual forces of wickedness in the heavenly places." Eph. 6:11-12.

The home schooling movement is primarily a Christian revival taking place through education of our youth. Satan has a good thing going in the public school system since the courts have censored God and His principles and values from the public schools. But home schooling, as far as Satan is concerned, is out of control. There is no uniform way to censor all God's truth out the home school textbooks or forbid the home school parents from comprehensively applying God's principles to each and every subject they teach to their children. The home school children are going to be the leaders of tomorrow who not only believe as Christians but think as Christians and are fully equipped to communicate God's truths in every area of life.

Furthermore, home schooling is strengthening the Christian family. That is also something Satan has been trying to undermine throughout our country. As a result, this attack should be expected. Home schoolers have been making great gains legislatively and have been prospering academically and growing spiritually . . . now Satan is lashing back.

Let us remember, "The weapons of our warfare are not of the flesh, but divinely powerful for the destruction of fortresses. We are destroying speculations and every lofty thing raised up against the knowledge of God, and we are taking every thought captive to the obedience of Christ . . ." II Cor. 10:4-5. As we teach our children, let us take every though captive to the obedience to Jesus Christ so our children will make a difference for God in this world. As we face, conflict and harassment from the state authorities let us count it a privilege to suffer persecution for Christ's sake as we are faithful to God's call. Pray that this spiritual battle with its physical consequences may be won.

[For an insightful, though fictional analysis of the spiritual battle taking place for our children, I recommend reading ***Piercing the Darkness*** by Frank Peretti, available through Great Christian Books, 1-302-999-8317.] □

MICHIGAN
continued from page 15 . . .

So Where Does this Leave Michigan Home Schoolers?

It is clear that Michigan is in a "state of confusion" when it comes to home schooling (or its whole educational system for that matter!). This confusion, however, works to the advantage of the home schoolers. The conflicting court cases, contradictory Department of Education letters, and attorney general opinions all work together to bring about one result: inaction on the part of local school districts who are in charge of enforcing the compulsory attendance law.

The HSLDA staff capitalizes on this confusion when representing hundreds of families before truant officers, superintendents, and child welfare workers. HSLDA emphasizes that as long as a family has followed the Third Party Reporting procedure, that family's home school is legal. Regardless of what the Michigan Department of Education is now claiming, the Third Party procedure is the only procedure which has not been struck down as unconstitutional.

The Harassment Continues

Although no HSLDA home school families have been taken to court this year, the harassment has been fierce and intimidation is common. This year, more families than ever before have been contacted by the authorities. Oftentimes the person who contacts the family is a police officer, which puts the average home school mother under extreme stress (to say the least).

Many home schoolers are receiving contact from Child Welfare workers, who, of course, have the authority to take children. All that it takes is the superintendent or a nasty neighbor calling the "child abuse hotline," and the Child Welfare will have to investigate. HSLDA attorney Chris Klicka has represented families whose allegations have included educational neglect, leaving children unsupervised outside, excessive spanking, messy house, and improperly dressed children. In nearly every instance, the allegations resulted from somebody not liking their home schooling. So far, Mr. Klicka has been able to resolve all of these investigations at the very first stage through generally a legal letter, phone call setting the parameters of a meeting, and a subsequent meeting with the parents and the Child Welfare agent. HSLDA has not allowed children to be interrogated.

So the fight goes on in Michigan, but God continues to protect Michigan home schoolers from potentially far worse attacks. □

Thank You

From a member family in Virginia . . . "Thank you very much for being there for us. It would be very easy to be intimidated by the 'authorities' that us lay people trust should lead us in the right direction. It's hard being isolated at home trying to do what is right. The work that you and HSLDA are doing is wonderful. It's like you are the cement holding all the little home schools from coming apart!"

VIRGINIA
continued from page 9 . . .

authority. Chris Klicka represented both families in court and presented evidence arguing that the Board was in fact discriminatory and arbitrary in its denials and that it misapplied Virginia law and United States Supreme Court precedence.

As a result of the court's errors, Klicka is appealing both cases to the Virginia Court of Appeals. The Court of Appeals has the discretion to either accept or deny the appeal. Please pray that the Court will take these cases and reverse the decisions against both families.

The last religious exemption case, *Wade* v. *Mecklenburg County School Board*, is still pending in circuit court.

Williamsburg Leadership Conference

On October 14, 1989, the Home Education Association of Virginia sponsored a leadership conference for home school support groups from around the state. Chris Klicka, one of several speakers, spoke to the leaders about the proper application of the religious exemption law and about the national home school legal and legislative trends. The conference was very profitable as it enabled the leaders to coordinate their strategies state-wide to serve home schoolers and protect their parental rights.

Legislation

As of this printing, no new religious exemption bill has been introduced this session. However, HEAV did discover House Bill # 1006 which would increase the truancy penalty from a Class 4 misdemeanor to a Class 2. This means that instead of receiving up to a $100 fine, home schoolers objecting to the compulsory attendance law or who were denied a religious exemption could receive up to a $500 fine and/or 6 months in jail. This gives the state a much bigger "stick."

HSLDA recommends that Virginia home schoolers get on HEAV's mailing list in order to support their excellent endeavors in keeping Virginia safe for home schooling in the legislative arena. HEAV also provides many other services including an informative newsletter and academic information for its members. To contact HEAV write: HEAV, P.O. Box 1810, Front Royal, VA 22630 or call 703-635-9322. □

Notes For Members

1. New address: Please be sure you are using our new address and phone number:

HSLDA
Paeonian Springs, VA 22129
(703) 882-3838

2. Corresponding with HSLDA: When you send any written correspondence to HSLDA, always include your complete name, address and phone number.

3. Office Hours: Our office hours are 8:30 a.m. to 5:00 p.m. Eastern Standard Time, Monday through Friday.

4. Moving: If you are moving, don't forget to notify us in writing at least three weeks prior to your move. Be sure to include your old address as well as your new address and phone number.

5. $Money$: Please help us by attaching a note of explanation with any payment. Be sure to include your name and address. We do not recommend sending cash through the mail. Personal checks are the best method of payment.

6. Warning: Many members across the country have received phone calls from a middle-aged man who asks for information on either disciplining children or home schooling. In the calls dealing with discipline, the caller usually identifies himself as a Christian new to the area and in need of advice on how to deal with his own children. The caller requesting home schooling information has generally identified himself as a researcher seeking information for publishers on how to reach the home schooling market. Both types of calls have included questioning which has been persistent, intrusive and sometimes perverted.

HSLDA recommends that you provide no answers to such questions from strange callers. It would be wise to alert your family to this type of call and instruct your children to avoid answering any questions, no matter how nice the man sounds. If you receive a call you believe to be legitimate, ask the caller to put his questions in writing so that you can give careful consideration to each answer. In addition, request that he send identification or credentials verifying that he is who he claims to be.

If you receive a call that sounds suspicious, call your local or state home schooling leader so they can warn others in your area. Pray that the purposes of this man would be thwarted and that God will not allow this man to harm any of His people.

7. 1990 Census: RESPONSE TO THE FEDERAL CENSUS IS MANDATORY. Unlike most school census laws, the federal government strictly requires all persons to answer the questions of your United States census taker. Failure to respond is a federal crime.

HSLDA believes there is no reason for home schoolers to be afraid to answer the census questions openly and honestly. Your responses must be held in confidence by the census workers. If this confidentiality were breached, we would be able to exclude any information illegally obtained should criminal charges result.

Excerpt from a letter to a New Hampshire HSLDA member from their Assistant Superintendent:

"I'm truly impressed with the balance of activities you have created for your children and that you are such a close and caring family. That is a special gift to your children.

I do enjoy reading about your family life and appreciate your willingness to share it with me. You were my first home education family, and I will never forget the ache I felt when you told me of some of the incidents that occurred at other public schools.

As you know, there are many people who are against home education, but unless we can guarantee an "ideal" education in the most nurturing environment, parents must be able to choose how their children are educated, especially since education is not just learning from books.

I, too, have enjoyed working with you and will miss hearing from you. Your letters always uplift me and, in some way, help me keep the important things in perspective." □

States In Brief

Illinois Conflicts

A landmark decision by the Illinois Supreme Court in 1950 (*People* v. *Levisen*, 90 N.E.2d 213), established that a home school can operate as a private school. Private schools are not regulated in Illinois except they must teach the same basic "branches" of instruction as the public schools and the instruction must be in English. In spite of this decision severely limiting state control over home schools, local school districts throughout Illinois continue to harass home schoolers.

For example, in McLean-DeWitt school district, the regional superintendent wrote to an HSLDA member and stated that "if, in the judgment of the public school... and myself, the home instructions given by the parent are not commensurate with the standards prescribed by the public schools, then the case will be referred for truancy proceedings." Regardless of what the school districts may claim, they still do not have authority to approve home schooler's curriculum.

In the St. Clair school district, the authorities demanded a "home visit" from an HSLDA family which is plainly unconstitutional because it violates the family's right to privacy and Fourth Amendment right to be free from unreasonable searches and seizures. In Bolingbrook, another home school family was turned over to the social service department by a neighbor. When the social worker contacted the family, she insisted that the home school children be registered in the public school. In Edwardsville, a family was turned in to the Director of Truancy Alternatives who first threatened legal action . . . until he talked with Attorney Klicka from HSLDA.

A family in Brown County withdrew a "special needs" child the public school in order to home school and was told they would be subject to periodic monitoring and required to follow the Education for Handicapped federal regulations. If they did not comply, the school district threatened that truancy proceedings would be filed.

In each situation above, the HSLDA legal staff counseled the family as how to respond or intervened on their behalf, resulting in all the school districts retreating to their proper and limited roles under the law.

Indiana Complications

Indiana has an almost identical legal atmosphere as Illinois. The Courts have held a home school is a private school and private schools are not regulated except they must have "instruction equivalent to that given in public schools" and "for the number of days public schools are in session." Indiana Code §20.8.1-3-34. Nonetheless, school districts in their desire to control and fulfill their imagined role as "guardians of all the children" frequently exceed the law.

In Stuben, one home school family was intimidated by a visit from a social worker who was investigating their home school. In the Greater Clark area, an HSLDA family received elaborate forms which required information on their program description, instruction materials, and manner of evaluation. Crown Point and Northwestern school districts also sent similarly intrusive forms to HSLDA members. In the Mishawaka school district, a home school family was told that they must submit information on subjects, textbooks, performance objectives, teacher qualifications, schedule and minutes of instruction.

One HSLDA mother was visited by a school board member in the Flatrock-Hawcreek school district and told she could not home school. In each of these situations and many more, the HSLDA legal staff was able get the school districts to "back off" and the families only submitted minimal information to assure the school district that an education was taking place.

Two other situations are still pending. In the City of Hammond, a family was given "temporary approval" by the school district who claimed they had the right to "determine the meaning of appropriate education." Furthermore, the school district is insisting on home visits and administering tests to the home school children. Attorney Klicka of HSLDA will respond to the school district if they try to enforce such illegal procedures. Meanwhile, an HSLDA family in Evansville was given a notice that they must enroll their children in school the next day. Klicka intervened and the school district calmed down. At this point, the school district is insisting on monthly attendance and progress reports and Klicka is preparing a response.

Texas Troubles

It has been one year since the *Leeper* v. *Arlington Independent School District* decision was argued before the Texas Court of Appeals. (HSLDA is a plaintiff in that suit). At the time of printing of this newsletter, no decision has yet been handed down. Keep praying that the Court completely affirms the lower court's decision thereby ensuring that home schoolers will be protected.

Under the present *Leeper* decision, home schools are considered private schools and as a result, a home school only has to use a written curriculum and teach five subjects: reading, math, spelling, grammar, and good citizenship. There also continues to be permanent injunction in effect which prohibits prosecution of home schoolers.

In spite of this good decision, school districts continue to harass home schoolers. For example, in Kingsville, an HSLDA home school family received truancy notices threatening legal prosecution if children were not immediately enrolled in public school. In the Northeast and Katy Independent school districts, the authorities tried to require HSLDA members to submit to home visits. In Sugarland, near Houston, the Pupil Personnel agent threatened prosecution if a family did not submit their curriculum to him for review.

In each of these instances and numerous others, the HSLDA members in trouble contacted the HSLDA legal staff who counseled the families on how to respond. As a result, everyone of the school districts discontinued their threats and ceased their illegal practices.

One family, the Brazells, were criminally charged for truancy right before Christmas. HSLDA attorney Chris Klicka immediately called the truant officer and the charges were dismissed. □

TENNESSEE
continued from page 13 . . .

before a decision was made. About the time Attorney Mike Farris filed this new class action suit (*Crites* v. *Smith*) in state court, the Attorney General ruled that people moving into the state who were conducting a legally recognized school in their prior state, could file after the August 1st deadline.

Although this was a victory, it was not a wide enough victory in the view of HSLDA legal staff. Everyone has the right to start home schooling at any time during the year, the same way they have the right to transfer from one school to another at any time during the year. Furthermore, the bachelor's degree requirement for parents teaching high school students, which is unconstitutional, remains in effect.

A preliminary injunction hearing was scheduled in Nashville on February 21 and 22, Mike Farris and HSLDA's local counsel, Larry Crain of Brentwood, argued the case and are awaiting the Court's decision. The results will be reported in the next edition of Home School Court Report. ☐

NATIONAL CENTER
continued from page 20 . . .

these services; we will trust Him to provide the funds to continue it.

In order to convey fully our desire to support and cooperate with state organizations and other home schooling leaders, NCHE will have a National Advisory Council. There will be two divisions: the State Advisory Council, composed of a leader from each of the 50 state organizations, and the At-Large Council, composed of leaders in the home schooling movement who are not directly connected with a state organization.

HSLDA is a Christian organization. All our board members and staff are committed to our statement of faith. For the past seven years, however, we have served home schoolers of all faiths and those who home school for secular reasons. NCHE will continue this same policy. NCHE will endeavor to serve all home schoolers. Membership in the National Advisory Council, however, will be limited to those agreeing with our statement of faith.

NCHE will initially be staffed with two full-time employees. Additionally, I will be devoting a healthy percentage of my time to provide leadership and public relations for the National Center.

We are extremely excited to see God's leading in the provision for the staff of NCHE. Inge Cannon has been hired to be the Associate Director for Public Affairs. She will be the day-to-day organizer and administrator for NCHE. Inge and I will be assisted by a full-time secretary for NCHE.

Inge has been serving home schoolers faithfully for the past six years as the Director of Education with the Advanced Training Institute of America, founded by Bill Gothard. Her husband, Ron, recently left the Medical Service Corps of the United States Air Force after many years of hospital administration work, and his job situation required them to relocate. We were delighted to see God move in such a way that we were able to obtain Inge's experience and abilities to assist us as we launch these new services. Because God has chosen for Ron and Inge not to have children, they have dedicated their lives to the cause of strengthening families.

Please pray for us as God expands and deepens our ministry opportunities. ☐

The August 1989 ***Home Schooling in the United States: A Statutory Analysis*** by Christopher J. Klicka is available from the Home School Legal Defense Association. The "chart" is a 55-page analysis of the home school laws and regulations in the 50 states and territories. Each page is devoted to one particular state or territory and lists the pertinent laws, regulations and major cases pertaining to home instruction. The analysis is written in understandable outline form and is an excellent tool for those who will be lobbying their legislatures to pass a home school law, for those who will be educating others on the progress of home schooling throughout the country, and for attorneys who will be providing legal assistance to home schoolers.

This edition has been completely revised to reflect all changes in legislation and regulations through the Summer of 1989. If you choose to order this home schooling legal analysis, you will be notified each year when the new edition is completed, and will have the opportunity to order the latest update.

Christopher J. Klicka has authored a booklet entitled ***The Case for Home Schooling: An Academic and Legal Perspective***. The booklet provides a concise defense of home schooling based on recent academic studies and court cases. It is a valuable tool for educating friends, relatives, the media, and the legislatures about the issues of home schooling.

A booklet entitled **"Should Home Schoolers Obey the Law"** written by Mike Farris, is now available through HSLDA. The cost of the booklet is $2.00 each for orders less than 25 copies, and $1.25 each for 25 or more copies.

— — — — — — — — — — — —

Name _____

Mailing Address: _____

_____

City: _____

State: _____ Zip: _____

To receive these materials:
please complete this form, include a check made payable to HSLDA, and return it to:
HSLDA,
Paeonian Springs, VA 22129.

☐ Please send me _____copy/copies of **Home Schooling in the United States: A Statutory Analysis**. Enclosed is my check in the amount of $_____.
(Each chart is $20.00)

☐ Please send me _____copy/copies of **The Case for Home Schooling: An Academic and Legal Perspective**. Enclosed is my check in the amount of $_____.
(Each booklet is $5.00)

☐ Please send me _____copy/copies of **Should Home Schoolers Obey the Law**. Enclosed is my check in the amount of $_____.
(Each booket is $2.00 [less than 25] or $1.25 [25 or more copies])

Announcing the National Center For Home Education

By Michael P. Farris

Have you ever considered the need for a national home schooling organization? Many people have. They have wanted home schoolers to have a presence in our nation's capital. They saw the need for an organized network between state home school organizations. They desired a national resource and referral center for those seeking information about home education. Many people have desired the services which could be provided by a national organization.

However, there were many cautions because home schoolers are a diverse group. Many were concerned that a national organization would drain members away from the vital state organizations in an effort to raise funds. Concern was often expressed that a representative/ruling type organization would be detrimental to the unity of the home schooling movement.

After much prayer and preparation, the Board of Directors of Home School Legal Defense Association met to discuss this need in light of these cautions. It was the unanimous decision of HSLDA's board to launch the National Center for Home Education.

NCHE is designed to be a service organization for the nation's home educators. It is deliberately designed to avoid any effort to "govern" home schoolers or to usurp the functions or members from state organizations.

The National Center will provide the following services and functions for America's home schooling leaders and families:

* An Active Presence in Washington, D.C representing the interest of home schoolers
  —Congress
  —U.S. Department of Education
  —Coalition Activity
* Monitoring of Legislation in all 50 States
* Improved Communication Between State Organizations
* Maintenance of a National Resource Center
* Aggressive Media Relations and Placement of Public Service Announcements
* Facilitation of Leadership Fellowship and Training
* Recognition of Outstanding Home School Achievement Through Special Awards
* A National Newsletter Exclusively For Leaders

HSLDA is already involved in many of these activities. We believe God has strategically placed us in the Washington, D.C. metropolitan area. We have already been involved in the function of a "watch dog" for home schooling in our nation's capital, but we see a need to greatly expand these services.

We believe that the National Center for Home Education will convey to the public that our concern for home schooling goes beyond the defense of families in court. We are committed to the overall success and advancement of home education in the arenas of education, the media, Congress, state legislatures, churches, families, and neighborhoods. Part of the job of defending home schoolers is conveying the "good news" about home education to the public.

We believe that the provision of these kinds of services with the degree of competency required to present a positive image of home schooling to the nation's leaders and media requires more work than is possible through volunteer efforts alone. This necessitates a full-time staff, complete with office space and equipment.

The National Center will not be in competition with state organizations for members or resources. HSLDA intends to fully fund NCHE as a subsidiary ministry. God has blessed us with the funds to launch

continued on page 19

Home School Legal Defense Association
Paeonian Springs, VA 22129
President: Michael P. Farris
Vice-President: J. Michael Smith
Editor: Christopher J. Klicka

ADDRESS CORRECTION REQUESTED

Non-Profit Org.
U.S. Postage
PAID
Downers Grove, IL
Permit #146

The Home School Court Report is a service provided free to members of the Home School Legal Defense Association. The newsletter is published quarterly. Non-members may subscribe for a $10.00 annual fee.

PARENTAL RESPONSIBILITY • HOME EDUCATION • CONSTITUTIONAL RIGHT

THE HOME SCHOOL COURT REPORT

Vol. 6 No. 2 WASHINGTON, D.C. SPRING 1990

INSIDE . . .

From the Editor 2
The Effect of Smith II On Home Schooling 4
God is Still On The Throne — In Iowa, Too! 5
New Hampshire Gets First Home School Law 6
How Many Home Schoolers Are There? 7
West Virginians Experience Close Call 7
North Dakota Controversy Brewing 8
Special Panel to Study Home School in Connecticut 8
Across the States 9
Arizona Exceeds the Law 10
Tracking the Progress of H.R. 1675 and H.R. 3717 10
Michigan Contacts Intensify 10
Upcoming HSLDA Speaking Engagements 11
New York: Striving For Less Strife 12
Discovering the Real Issue in Child Care Legislation 13
To Drive Or Not To Drive! 13
Principals Move Toward "Global Society" 13
The Urgent Need to Restore A Biblical View of Education 14
Staff Changes at HSLDA 16
Meet the Staff 16
Obedience is Better 16
HSLDA Cancels American Express Cards 17
Thank You 17
A Tale of Two Critics 18
New Materials From HSLDA 19

Conservatives Declare War On Religious Freedom

By Michael P. Farris

The conservative bloc on the Supreme Court (with the heroic exception of Sandra Day O'Connor) has voted to eradicate the traditional protections of free exercise of religion. The justices conservative Christians helped to put into office have pillaged and burned our most cherished constitutional freedom. The Court's decision in *Employment Division, Oregon Department of Human Resources* v. *Smith*, has done to religious freedom what *Roe* v. *Wade* did to human life.

Smith II involved facts which are not likely to arouse sympathy among born-again Christians. (This case was previously before the Supreme Court. The first ruling was inconsequential; the 1990 decision is referred to as *Smith II*.) Two state-employed drug counselors were fired by the State of Oregon for illegally using the drug "peyote" as part of a North American Indian religious ritual. The counselors challenged the constitutionality of their firing in an unemployment compensation appellate procedure.

Every Supreme Court case involves a "decision" which determines who won and lost. The precedent from the case comes from the reasoning the Court gives for reaching its decision. Usually the decision is not nearly as important as the precedent.

The decision in *Smith* is unsurprising. No one expected the Court to rule in favor of drug-taking by drug counselors even for religious reasons, but the precedent coming from this case is the most serious eradication of religious liberty in the history of the Republic.

The majority announced this new rule of constitutional law:

> [T]he right of free exercise does not relieve an individual of the obligation to comply with a "valid and neutral law of general applicability on the ground that the law proscribed (or prescribes) conduct that his religion prescribes (or proscribes)."

A few practical examples of how this new rule will work are in order. If a church believes as a matter of doctrine that only men should be employed as clergy (all Catholic and fundamental churches and most evangelical churches hold this view), the church may now be sued under a law prohibiting sex discrimination in employment if a woman is refused a job on that basis. I once helped an assistant warden in a federal penitentiary who was required to sign orders authorizing women prisoners to obtain abortions (the guards had gotten them pregnant). He refused based on his religious convictions against personal involvement in abortion. Under this rule, he no longer could claim a constitutionally-based religious exemption from the general rule requiring his participation in abortion. Public schools may now mandate sex education courses for all students. Religious exemptions will not be permitted.

In fact, the Supreme Court twice cited with approval the old ruling of *Minersville School District* v. *Gobitis*. This ruling approved a decision to expel a Jehovah's Witness student from the public school for refusing to participate in the Pledge of Allegiance. Of course, *Minersville* was quickly reversed by *West Virginia* v. *Barnette*, 319 U.S. 624 (1943). The specter of coercion of conscience has been exhumed from a 47-year-old grave. All Americans from all walks of life and from all religious groups can now be coerced to abandon their religious beliefs and bow the

continued on page 2

FROM THE EDITOR

Over and over again, we have seen mighty miracles God has performed on behalf of home schoolers. In contact after contact, when we thought for sure a home school family would be prosecuted, the Lord has changed the heart of the official or prohibited him from coming against the home schooler.

If a family does have to go to court, we have seen the Lord open up numerous ways for us to get the case dismissed on a technicality. In fact, in spite of the intense persecution home school families have had to face, not a single HSLDA family, since HSLDA was formed in 1983, has had to stop home schooling in a criminal truancy case.

Many legislative battles which have looked impossible, have been won. This can only be explained as God's grace. In fact, at least 30 states have passed favorable home school laws since 1982, protecting parent's right to teach children at home.

Even the recent devastating decision by the U.S. Supreme Court which has greatly reduced the religious freedom in this country, left parents' rights to home school intact. (See Mike Farris' article on the front page).

God continues to bless the home schoolers across the country in every area, including restoration of their families and high academic achievement of their children.

This issue of the "Home School Report" demonstrates some of the amazing ways God protects home schoolers.

To me, all of this points to one thing: God's hand is protecting home schoolers because they are faithfully serving Him and teaching their children His principles as they apply to every subject. I believe he is raising up the home schoolers to fill the leadership positions of tomorrow. We at HSLDA are privileged to work to protect your God-given rights as parents to raise and educate your children in His ways.

Thank you once again for all your prayers for my family. A few weeks ago, God turned around a sudden and steady decline in my wife Tracy's health, and has blessed us with another child who is three months along. God has also answered prayers concerning Cora Prather, one of our employees in the membership department. After an intense kidney infection in which the doctors thought she would lose her kidney, God healed her of the infection and she is returning back to work. God is faithful! *Chris Klicka*

War On Religious Freedom

continued from page 1 . . .

knee instead to any trivial government rule, as long as the rule is generally applied.

Those who might have believed that *Smith II* would only be applied to drug-smoking Indians were proven to be in error when only a week later the Supreme Court vacated an excellent decision of the Minnesota Supreme Court involving the right of the Amish to maintain their religiously-motivated lifestyle in the face of a petty government rule requiring a certain type of reflective device on their buggies. All people from all faiths have lost their religious freedom.

Justice O'Connor correctly noted that "the Court holds that where the law is a generally applicable criminal prohibition our usual free exercise jurisprudence does not even apply." She concurred in the result, but strongly dissented from the Court's precedent-breaking denial of the principles of religious freedom.

The Supreme Court's usual free exercise jurisprudence involved a four-step process. First, the Court evaluated the sincerity of a person's beliefs. This test rarely produced a contested issue. Second, the Court determined whether a person's beliefs were burdened by the regulation. This involved a determination of whether there was a genuine clash between the state law or practice and the exercise of one's religious beliefs. Even if a person could demonstrate that his actions were based upon a sincere belief that had been burdened by the state's action, that was not the end of the matter. There was a further inquiry mandated by the Court's prior decisions. The third step required the state to justify its law or practice by proving that the government's refusal to grant a religious exemption was necessary to advance a compelling state interest. This step required the government to show that its interest was of the highest possible order. The fourth step required the government to demonstrate that there were no less restrictive alternatives available which would also meet the government's interests while protecting the religious liberty of the claimant.

Free exercise cases almost never produce a decision that a law is unconstitutional on its face (that is, unconstitutional under all circumstances). Rather, such cases almost always involve the creation of a religious exemption. We have come to expect that religious freedom will often result in decisions which allow people to be free from a generally valid law, because we are normally unwilling to coerce a person to obey man rather than God.

The Court's traditional free exercise test has led to several decisions where people were coerced to obey man rather than God, because these cases involve the rare circumstances where the government's interest was simply too important to sacrifice and where there were no other alternatives.

But the usual rule of constitutional jurisprudence has been that an individual's right to freedom of religion is presumptively more weighty than the government's right to regulate conduct. Petty rules of government simply had to give way to the higher value of individual religious freedom, and even the weighty rules of government had to bend when there were alternatives available.

These traditional rules of free exercise jurisprudence offered the courts an opportunity to strike an appropriate balance between the demands of government and the ideals of religious freedom. But now these traditional rules of constitutional liberty have been trashed by a bloc of conservative justices on the United States Supreme Court.

The most surprising thing about the decision was the identity of the Justice who rendered it!

Conservative Christians have been incredulous to learn that it was Justice Antonin Scalia, a movement hero, who authored the opinion in *Smith II*. Scalia was joined by Justices Rehnquist, Kennedy, White, and Stevens. With the exception of Stevens, these are the justices who have been honored and revered by conservative Christian political activists. Justice O'Connor voted to protect religious freedom as did Justices Blackmun, Marshall, and Brennan. These three liberals also voted to apply the protections specifically in favor of the Indian drug counselors. O'Connor disagreed with the result reached by the liberal bloc, but all four of these Justices agreed to employ the same "set of scales" to balance the competing claims of the Indians and the government. It is possible to employ the same balancing test and

reach different conclusions; that is the routine of constitutional law. But it is quite another thing to announce publicly that no longer will a balancing test be necessary — the government always wins under the majority view.

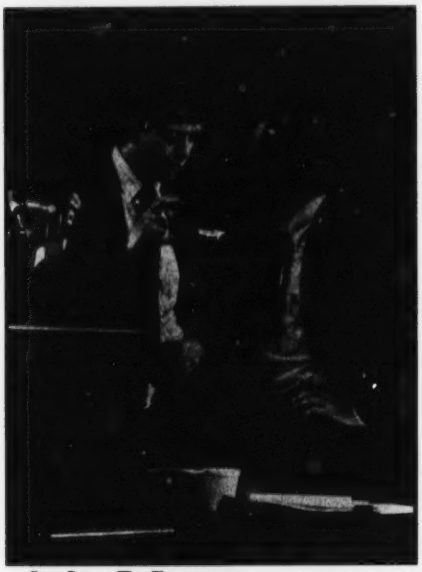
The prospect of influencing appointments to the Supreme Court was one of the principal attractions of conservative Christians to the Reagan bandwagon in 1980. But the very Justices our votes helped install, Scalia and Kennedy, and the Justice our votes helped to elevate to the position of Chief Justice, Rehnquist, have proven themselves to be our worst enemies. Only Justice O'Connor, the Justice opposed by most movement Christians at the time of her nomination, has proven herself to be a true hero.

How did this happen to us? Why did our friends turn their backs on us and eradicate our most cherished constitutional freedom?

Many leaders in Christian political groups have simply assumed that these Justices, as well as the ill-fated Robert Bork, are our friends. To those of us who value religious freedom, these types of conservatives — economic conservatives — have *never* been our friends.

For further clarification, an "economic conservative" is a person whose conservatism stems from their views of money. To them, whatever advances a monetary objective is good. Oftentimes this leads them to seek state controls over various individual liberties. On the other hand, Christian conservatives are conservatives on economic issues, but money is not their god. Furthermore the Christian conservative, in order to be true to biblical principles, will avoid state controls.

While the conservative Christian political leaders have been leading the cheers for the confirmation of these justices, there have been a small number of people who have attempted to sound the alarm, warning Christian activists to beware of economic conservatives. The principal voice of alarm has been William Bentley Ball, the dean of religious freedom litigators. Bill Ball has unsuccessfully tried to convince conservative Christian leaders that Rehnquist, Scalia, Bork & Company are bad news for religious freedom. I have also tried to sound the alarm to home school audiences. Rehnquist was the only dissenting Justice in the seminal religious freedom case of *Thomas* v. *Review Board*, 450 U.S. 707 (1981). Now the anti- religious freedom view of Rehnquist in *Thomas* has become the law of the land.



Rex Perry, The Tennessean

A concerned Michael Farris consults with Assistant State Attorney General Mike Catalano of Tennessee during a hearing in Davidson County Chancery Court in February. The hearing was the result of a suit filed in October 1989, protesting the blanket denial of all baccalaureate-degree waiver requests.

In a *Washington Post* column of April 22, 1990, conservative columnist George Will gave his hearty endorsement of the majority opinion in *Smith II*. In fact, he went further, scolding the Court for failing to forthrightly reverse *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972). Will favors the coercion of the Amish children into public high schools. There is no room for a different drummer in Will's lock-step march of majority rule.

Why do economic conservatives take this view? They serve a different god — capitalism. Will's column makes this clear:

> A central purpose of America's political arrangements is the subordination of religion to the political order, meaning the primacy of democracy. The Founders, like Locke before them, wished to tame and domesticate religious passions of the sort that convulsed Europe. They aimed to do so not by establishing religion but by establishing a commercial republic — capitalism. They aimed to submerge people's turbulent energies in self-interested pursuit of material comforts.
>
> Hence religion is to be perfectly free as long as it is perfectly private — mere belief — but it must bend to the political will (law) as regards conduct.

Economic conservatives worship money, and they recognize the truth of the biblical admonition, "You cannot serve God and money." These conservatives stand poised, ready to try for heresy any dissenter who fails to worship money. We are literally being coerced to bow down to a calf of gold.

Christians have no one but themselves to blame for this state of affairs. We have allowed ourselves to be seduced by smooth-talking political Romeos who have debauched us of our prize possession — religious liberty. We were seduced because we toyed with two false gods — money and power.

Economic conservatives had money, and we lusted after it. After all, we needed it to run our television ministries and political operations. They also had power. We lusted after that false god as well, being content to sit at the feet of the powerful in hopes of catching their favor.

Christians have no one to but themselves to blame for this state of affairs where the liberals are our friends and the conservatives our enemies!

It is time for Christian conservatives to wake up and see that we have been sold into slavery by the greed merchants. We need to clarify our values to see that the political landscape is quite different than we have imagined.

Economic conservatives are utterly utilitarian. Religious freedom produces too much diversity and too much potential for chaos, and, as we all know, chaos is bad for profitable retailing. The ACLU is our friend on most free exercise of religion

continued on page 4

War On Religious Freedom continued from page 3 . . .

issues. George Will and Justices Scalia and Rehnquist are our opponents. How is this possible? The ACLU believes that Self is God. They always favor the individual against the government. So, in a battle for the free exercise of religion, the liberals are our friends and the conservatives are our enemies.

When it comes to "law and order" issues, we have sided with economic conservatives. We respect law and order because it reflects the moral absolutes of God's law. They favor law and order because it produces a stable society which is more conducive to economic profit. The ACLU favors the rights of criminals because of its consistent position favoring the individual versus the government.

I personally came to share many of the ACLU's views on the procedural rights of criminals after defending 66 pastors evicted from a church prayer meeting in Louisville, Nebraska in 1983. This is consistent with my biblical view that God holds leaders to a higher standard of righteousness. The tyranny inherent in a rule which permits officials to violate the law or Constitution is dangerous to all our freedoms.

On the other hand, I believe that freedom is not absolute and that the Ten Commandments cannot be contravened in the name of individual liberty. Murder in the form of abortion and adultery in the form of pornography cannot be countenanced.

There is a need to reconsider our views of economics, religious freedom, moral law, and national defense in order to develop a consistent Christian political philosophy.

We need to become an independent political force in this country — not in the sense of starting a third party, but by refusing to be the "lap dog" of any other group who would attempt to use us selfishly to further their agendas.

Republican leaders have been callously indifferent to our views of late. Lee Atwater is doing everything he can to neutralize the Republican party on the issue of abortion. Now his friends in the Supreme Court have trounced religious liberty. The Republican views of economics and national defense are not sufficiently appealing to us to overcome our intense commitment to the two bottom line issues — religious liberty and human life. The Republicans are playing with fire on this issue. Economic conservatism is a view held by only a few elitist Republicans. They are "all hat and no cattle." They need the involvement of people who regularly occupy our church pews to gain their political victories.

Democrats could have an open door to our hearts if they were to become champions of religious liberty. If they would also become champions of the smallest minority of all, the unborn, we would see a major shift in the political alignment of conservative Christians. Abortion is really an elitist concept. Abortion advances a policy that children should be carefully planned and born only to wealthy and white homes. This type of elitist thinking is more naturally found in the country club than the union hall.

We are not a moral majority. We must realize that we are a minority which must build coalitions to gain political victories. Sometimes we will side with civil libertarians; sometimes we will side with economic conservatives. We are owned by no one.

A plan for action. We need to salvage as much ground as possible to regain the ground we have lost in *Smith II*. We must work to replace the Justices on the Supreme Court with those friendly to religious freedom. But as we have learned from the pro-life issue that is a long and arduous task.

Our more immediate goal must be to secure the passage of the Religious Freedom Restoration Act. We need to place the traditional rules of First Amendment interpretation into a federal civil rights statute.

The majority in *Smith II* made it clear that it would find no fault in laws which permit religious exemptions; it was simply refusing to use the Constitution to create such exemptions. Therefore, we must immediately strike back and win back the territory lost before more precedents come down, making it increasingly difficult to win. If we have learned any lesson from the pro-life movement, it is that it is dangerous to let a society become accustomed to living a lifestyle predicated on a low value of human life. We cannot afford to let America become accustomed to a lifestyle with a low value on religious liberty. □

The Effect of *Smith II* On Home Schooling

Home-schooling families have long relied on religious freedom as their central constitutional protection. Obviously, the Supreme Court's decision in *Smith II*, which drastically curtails religious freedom, has a severe potential impact upon home schoolers anticipating constitutional protection.

Fortunately, there was a ray of hope in this decision for home schools and Christian schools. The Court held that the traditional protection afforded preferred constitutional rights would still apply to religious freedom cases *if* presented as a "hybrid" claim of constitutional protection. In other words, religious freedom is not strong enough to stand on its own, but if attached to another fundamental right, the traditional rules of constitutional law would still apply.

The Court set forth three specific examples of "hybrid" constitutional rights: cases which involve freedom of religion *and* (1) freedom of speech or press, (2) freedom of association, or (3) "the right of parents acknowledged in *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925), to direct the education of their children." Cases which involve freedom of religion *and* one of these other constitutional rights will still be protected. However, freedom of religion becomes entirely superfluous in such an inquiry. If an action is protected by the Free Speech Clause, there is no need to resort to a "hybrid" claim.

Our optimism based on these hybrid rights must be tempered by the reality that the Supreme Court has repeatedly denied petitions for writs of certiorari in home school and Christian school cases where the lower courts have failed to apply correctly the rules of constitutional law in private education cases. We cannot expect any help from the Supreme Court in our area of concern. We can attempt to use the language regarding hybrid rights in *Smith II* to see if we can "make a silk purse out of a sow's ear." □

God Is Still On The Throne - In Iowa, Too!

By J. Michael Smith

The Iowa Legislature came dangerously close this spring to passing a law which would have compelled home schooling parents to choose between terminating their home school programs or risking the loss of their children. Iowa, one of only two states which still requires home schooling parents to be certified teachers, would have subjected home schoolers to Child in Need of Assistance ("CHINA") charges in juvenile court if S.F. 149 had passed. S.F. 149's language subjected any home schooling family not providing instruction by a certified teacher for 180 days per school year to an investigation by the county attorney to determine if CHINA charges should be filed.

Over 90% of the home schooling families in Iowa would have been considered illegal in their education efforts with the passage of S.F. 149. Many families in weighing their options came to the conclusion that they only had one—moving from the state! Even the previous legal option of independent study programs with the public school commonly called the "Des Moines Plan" would have been illegal. This bill represented the most serious legislative threat home schoolers as a group experienced during the seven years of HSLDA's existence.

The bill was passed by both houses last year but in different forms. Therefore, it had to go through a conference committee to achieve a unified final statement of the language. Members and friends of the state's two home schooling organizations, Iowa Home Educators Association and Iowans for Christian Education, then began an intensive lobbying campaign calling for the bill to be totally defeated or its language changed so that their concerns would be removed.

Two days before the legislative session was to adjourn, the conference committee decided to add several aspects of Governor Terry Branstead's education proposal to the bill in a political move which would have made it extremely difficult for him to veto the final result. They combined these with negative provisions from S.F.472, which was introduced last year and contained requirements such as pre-screening for learning disabilities for home schoolers, dual enrollment in the public school, pre-approval from the school superintendent if a child was deemed learning disabled, and testing administered by the public school as the only evaluation method.

The home educators learned of the changes about noon Friday, and with the session closing Saturday, they used all their efforts to convince as many legislators as possible to vote against the bill. Since it was obvious that the bill would pass the House without difficulty, the major efforts were devoted to the Senate where polls quickly revealed that it would surely pass there as well.

Early Friday evening a motion was introduced in the Senate to accept the conference committee report. This is where the miracle begins to unfold. Parliamentary procedure required that the motion to accept the committee report had to be voted on before the bill could be introduced for a vote. A motion requires an absolute majority for passage (26 votes in this case because there are 50 Senators). The vote was 25 for the motion and 24 against the motion with one absent. The roll call was kept open by the Democratic majority for forty minutes in hopes that the missing Senator would arrive, because no matter how he voted—for or against—the motion would have carried.

Had the missing Senator voted for the motion, it would have passed because 26 votes constituted the majority. Had he voted against the bill, a tie would have resulted and the Lieutenant Governor would have had the privilege of breaking the tie. He was in favor of the bill. It was later determined that the missing Senator was going to vote against the motion. He missed because he was attending a speech somewhere in Des Moines and did not know about the vote.

The home schoolers who observed the vote indicated that several Senators must have changed their minds moments before the vote. One Senator called a home school leader out of the gallery during the debate and commented that he was having second thoughts about voting for the motion. The home schooler suggested that he talk to several home school families in his district to make sure that they wanted him to vote against the bill. He made his phone calls, and when he came back into the Senate chamber gave the "okay sign" to the home schoolers.

Another Senator (member of the majority party) who had previously not been favorable to the home education view, made an eloquent speech on the Senate floor against the motion, citing constitutional rights of parents as being violated by the provisions of the bill. No one knows how many members of his party were swayed by that speech.

The prayers of his people moved God to have mercy on the home schoolers in Iowa. Isn't it encouraging to know that God is still active in the affairs of man, and He loves to show Himself strong on behalf of those who call upon his name?

This incredible victory has brought back to the "front burner" HSLDA's case, *Allen* v. *Iowa State Board of Education*, which seeks to challenge the 1953 law that enacted teacher certification requirements in the first place. Recognition that that law is not consistent with Iowa's constitution would return teacher qualification requirements to a decision of competence rather than certification. Let's pray toward that end! □

"Behold, I am the Lord, the God of all flesh: is there any thing too hard for me?"
Jeremiah 32:27

New Hampshire Gets First Home School Law

By way of quick review from our last newsletter, Senator George Disnard introduced home school legislation that was requested by the superintendents in the state. The law was not favorable to home schoolers. Attorney Michael Smith traveled to New Hampshire and was given assurance that the author of the bill would be open to amendments by the home schoolers. The home school leaders then went to work and were able to get the Department of Education to draft a bill favorable to home education. The bill passed the Senate and went to the House where great opposition was anticipated.

The bill was debated on March 15 before the House Education Committee. The home school leaders were able to schedule a pre-hearing with Education Committee members in which Dr. Sam Peavy and HSLDA's Michael Smith presented arguments and answered questions in an informal setting prior to the formal hearing.

The hearing brought an interesting development. Claiming she had been left out of the previous amendment process with the Department of Education, the co-author of the bill, Ellen Ann Robinson, introduced what she called a compromise amendment. Her amendments were very restrictive for home educators and would have made the new home school law worse than the existing law. (This is the same lady who was on the school board which brought suit against a home schooler after the board refused to recognize the family's program. She was also on the advisory committee to the State Board on regulations for home education and there expressed a strong statist view of educating children.)

The Education Committee appointed a sub-committee to review and make recommendations regarding the bill. They rejected the amendments offered by Ellen Robinson and accepted some suggested by the home schoolers. When the Education Committee voted on the bill, the result was "do pass" with a 14-0 decision. The bill passed the full House with a vote of 301-27, after which it was referred to the appropriations committee. There it passed with only two dissenters.

Senate confirmation and the Governor's signature on April 28, 1990, gave New Hampshire its first home school law. The new law allows parents to give a notice of intent to home school by August 1st, which would include the names, address, and birthdates of children being home educated; a list of subjects taught each child; the name of the correspondence school or commercial curriculum provider; the scope and instructional sequence for each subject; and a list of textbooks or other instructional materials. The bill provides for notice to be given to a non-public school principal and the home education program administered through the private school should the parent so desire.

Each home school must maintain a portfolio of its educational program which should include a log of reading materials, samples of writings, worksheets, workbooks and creative materials used. The portfolio is to be maintained for two years. An annual evaluation demonstrating educational progress "at a level commensurate with the child's age and ability" is also required. Four options are available for evaluating educational progress: (1) review of the child's portfolio and a written evaluation by a certified teacher or a teacher in a non-public school; (2) submission of test scores at the 40th percentile on any national achievement test (must be administered by a person who meets the qualifications of the provider or publisher of the test); (3) submission of test scores at the 40th percentile on a state student assessment test used by the resident district; or (4) evaluation by any other valid measurement tool mutually agreed upon by the parent and the superintendent.

The law also provides for due process hearings in the event the child does not demonstrate educational progress for age and ability, or if the superintendent has strong evidence that the home education program will not meet the requirements of the new statute.

Much prayer, travel, testimony, and creative amendments produced real victory in this bill. We congratulate the home schoolers of New Hampshire! □

MISS PEACH MELL LAZARUS

IT'S NICE THAT SOME DAY WE'LL ATTEND SCHOOL BY COMPUTER!
TAKE TESTS AND SEND IN OUR HOMEWORK WITHOUT EVER LEAVING HOME!
WE'D MISS THE SOCIAL CONTACT.
YES, THAT TOO!

How Many Home Schoolers Are There?

People think that the number of home schoolers is very small. Estimates range from 250,000 students to 1,000,000 students who are being taught at home. Dr. Brian Ray of Seattle Pacific University is currently conducting a study to try to get the most exact answer to that question to date, but no one seems to question that the number of home schoolers is some place between 250,000 and 1,000,000. There are 42,000 children in Home School Legal Defense Association alone.

How does this number compare with other groups of students? Here is a list of the smallest sixteen states (including D.C.) in terms of number of students enrolled in the public schools (Fall 1987 figures from U.S. Department of Education).

D.C.	86,435
Vermont	92,755
Delaware	95,659
Wyoming	98,455
Alaska	105,678
North Dakota	119,004
South Dakota	126,817
Rhode Island	134,061
Montana	152,207
Hawaii	166,160
New Hampshire	166,045
Nevada	168,353
Maine	211,817
Idaho	212,444
Nebraska	268,100
New Mexico	287,229

Even if the conservative estimates were correct and there are only 300,000, there are more home schoolers nationally than there are public schoolers in 16 states. If there are 500,000 home-schooled children, then you can add Arkansas, Connecticut, Iowa, Kansas, Oregon, Utah, and West Virginia to the list—a total of 23 states whose combined enrollment would be less than the number of home school students in our nation.

If there are 750,000 home schoolers, then only California, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin have larger public school enrollments. With 750,000 home schoolers we would comprise the 20th largest "state" in the country if we all lived in one locality. If our number reaches one million, home schoolers would be the 12th largest "state."

Our political opponents tend to dismiss us as a tiny minority who deserve no consideration, but even at the minimum estimate there are more home schoolers nationally than there are public school students in 16 states!

What politician would dare to suggest that the public school students in Idaho, Maine, or New Mexico are too insignificant in number to matter? We may be small in number, but we are not that small. We are big enough for politicians and the public to give us their attention. □

West Virginians Experience Close Call

On February 1, 1990, H.B. 4452 was introduced in the West Virginia legislature. The bill was written by the State Department of Education, and the House Education Committee Chairman was the sponsor of the bill. Among other things, the bill provided for amending the home school law to the detriment of home schoolers. The present home school law specifies that a child must achieve an average score of the fortieth percentile on six subject areas tested. If a child fails, he will be tested again after a one-year remediation program. A second failure to achieve an average of fortieth percentile in rankings would render the home school program for that child illegal.

The new amendment would have required the child to score the fortieth percentile on each subject area. This revision would have made West Virginia the most difficult testing state for home schoolers in the union. The new law also demanded that test results must be provided to public school officials by June 30th. Don Fox, President of West Virginia Home Educators, immediately moved into action when he heard of the bill. The bill was assigned to a subcommittee which recommended passage. Attorney Michael Smith of HSLDA and several other private and home educators joined Don in meeting with the bill's sponsor and representatives of the state Department of Education. The Department representatives indicated that they weren't sure why they had requested the change; they said they had to check with others in the Department. The legislative sponsor of the bill supported the home schoolers' position that the bill should be amended back to its original language, and this happened before the bill was passed by the House Education Committee.

Then another amendment was added to the bill to provide for a different means of evaluation for special education children. The bill remained in the Senate Education Committee until the final session. The home schoolers were led to believe the bill was going to die, which would have been fine. However, at the last hour, the language in the bill was attached to another bill, which provided for increasing public school teachers' salaries throughout the state. The Senate passed it, and the Governor has indicated he will sign it.

The new special education evaluation guidelines which the Department of Education must develop to measure if satisfactory academic progress is being made were placed into exemption "A," which is the old approval provision for home education. This was exactly what the home schoolers requested! A near disaster was averted because of the mighty hand of God and the diligence of the home school leadership in West Virginia.

The only new requirement which home schoolers must honor is that beginning this school year standardized test results must be submitted by June 30th. □

North Dakota Controversy Brewing

After many years of court cases and persecution, the home schoolers of North Dakota and HSLDA achieved positive legislative change last year with the passage of H.B. 1421. Home school parents, for the first time could home school without a teaching certificate, provided they passed a test. Thus far, all home school mothers who have taken the test, except one, have passed the test. For the most part, home schoolers have operated without incident this year under the new law.

Testimonies were given by Clinton Birst, President of NDHSA, Greg Aloia, University Professor, and Greg Lange, local counsel (left to right).

Unfortunately, the North Dakota Board of Education could not leave home schoolers alone for very long. Proposed regulations have been drafted by the Board which would greatly restrict home schoolers and cause a repeat of much of the previous legal conflict.

On March 23, Greg Aloia a university professor from New York and expert in special education, Chris Klicka of HSLDA, Greg Lange,a home school attorney from Hazen, and Clinton Birst, president of the North Dakota Home School Association, testified before the Department of Public Instruction. Several other home school parents also testified.

Chris Klicka testified on the unconstitutionality of the proposed regulations and offered key amendments which would protect the right of home schoolers to freely operate. Klicka especially criticized the attempt by the Board to exceed their statutory authority and subject all home schoolers to the subjective approval authority of the local superintendents. He also explained that the proposed regulations violated the constitutional right of parents of special education children to choose private education rather than public education services for their children. He warned of increased legal controversy if the regulations were not altered.

Greg Lange provided additional amendments drafted by himself and Klicka which would further improve the proposed regulations.

Greg Aloia, testified as to the educational ramifications of the proposed regulations. He demonstrated how the home school children, especially handicapped children, would be harmed if the proposed regulations were enacted. Aloia gave the Board expert insight into the success of home schooling and offered several amendments to define various vague educational terms in the regulations.

Clinton Birst presented a powerful message to the Board asking them to trust the home schoolers. He explained that the regulations can only be successful if they have "a built in premise of the integrity of the parents." He told them that home schoolers know home schooling best and best understand the needs of their children. He recommended that the Board adopt the amendments proposed by Lange and Klicka.

At the time of this printing, no word has been received from the Board as to the status of the proposed regulations.

Uncontested, Chris Klicka enjoyed the rapt attention of home schoolers and legislators alike at the hearing.

In order to receive the latest information on the regulations contact Clinton Birst, North Dakota Home School Association, P.O. Box 539, Turtle Lake, ND 58575, (701)448-9193. HSLDA also recommends that N.D. home schoolers get on NDHSA's mailing list. □

Special Panel to Study Home Schooling In Connecticut

At a special hearing on March 1, 1990, which was attended by numerous home schoolers, the State Department of Education in Connecticut voted to move forward with its Home School Study Committee. Twelve members are being appointed to the panel, with four members representing the Department of Education, four representing local school districts, and four representing home schoolers. The first committee meeting is to be held on April 9. Meetings are planned every two to three weeks with the goal of finishing the project in two or three months. The apparent goal of the board is to develop new guidelines (non-binding) and a State Board policy on home schooling. Home schoolers in Connecticut are very desirous of achieving recognition that they are not required by state law to obtain the approval of local school districts.

Members of TEACH and CHEA had a very positive meeting in early April to plan strategy for their participation on the panel. After examining Ohio's legislative experience, they were convinced that it was much better to go into the sessions prepared. Legal and historical analysis of Connecticut's law confirmed that attendance records only are required, and all other forms of reporting for home schoolers would be voluntary. Orientation meetings have demonstrated that each side in this discussion has definite concerns. These members will need your prayerful intercession throughout the summer months. □

Upcoming HSLDA Speaking Engagements

Listed below are the conferences where HSLDA staff will be speaking. We encourage home schoolers to attend these conferences for fellowship, teaching tips, and legal and legislative strategies. Please contact us if you are interested in obtaining an HSLDA speaker.

Regional Conference of Christian Home Educators (Gregg Harris)
May 4-5 - Washington, D.C. area
Michael P. Farris
Contact: David Smith
(301) 725-5050

Regional Conference of Christian Home Educators (Gregg Harris)
May 11-12 - Atlanta, GA
Christopher J. Klicka
Contact: Ken Patterson
(404) 461-3657

Alabama Home Educators 2nd Annual Convention
May 19 - Mobile, AL
Christopher J. Klicka
Contact: Jim Wade
(205) 865-3379

Home Educators Association of Virginia (HEAV)
June 1-2 - Lynchburg, VA
Inge P. Cannon
Contact: Bettie Ethell
(703) 635-9322

Missouri State Home Educators Convention
June 1-2 - Independence, MO
Michael P. Farris
Contact: Tom Dreschel
(314) 442-7608

Bob Jones University Home Education Leadership Program
June 4-8 - Greenville, SC
Michael P. Farris (June 4-5) and
Inge P. Cannon (June 7)
Contact: Conference Coordinator
(803) 242-5100, Ext. 2900

New Jersey Home School Workshop (Gregg Harris)
June 8-9 - Red Bank, NJ
J. Michael Smith
Contact: Bob Rechten
(201) 583-7128

Illinois Christian Home Educators Conference
June 9 - Chicago, IL
Michael P. Farris and
Christopher J. Klicka
Contact: Jerri Sisson
(708) 623-4843

Northern Virginia Home Educators Conference
June 16 - Vienna, VA
Christopher J. Klicka
Contact: Mary Ellen Tedrow
(703) 430-9544

3rd Annual Maine Home School Conference
June 23-24 - Lewiston, ME
Christopher J. Klicka
Contact: Maine Home School Association
(207) 777-1700

6th Annual CHEA Convention
July 14-15 - Los Angeles, CA
J. Michael Smith
Contact: Phil Troutt
(213) 864-CHEA

Advanced Training Institute of America (ATIA) Annual Training Seminar
July 23-27 - Knoxville, TN
Inge P. Cannon (July 23-25)
Contact: Rebecca Dreyspring
(708) 323-9800

Regional Leadership Symposium National Center for Home Education
August 3 - Syracuse, NY
Michael P. Farris and Inge P. Cannon
Contact: Sharon Grimes
(315) 469-0564

Regional Conference of Christian Home Educators (Gregg Harris)
August 3-4 - Syracuse, NY
Michael P. Farris
Contact: Sharon Grimes
(315) 469-0564

Institute in Basic Life Principles Legislators Seminar
August 8-12 - Watersmeet, MI
Inge P. Cannon (August 11)
Contact: Ginger Jones
(708) 323-9800

Regional Conference of Christian Home Educators (Gregg Harris)
August 17-18 - Portland, OR
Michael P. Farris
Contact: Steve Wood
(503) 698-7296

Illinois Home School Workshop (Gregg Harris)
September 7-8 - Chicago, IL
Christopher J. Klicka
Contact: Jan Arduini
(708) 628-6922

Indiana Home School Workshop (Gregg Harris)
September 21-22 - Indianapolis, IN
Christopher J. Klicka
Contact: Joyce Johnson
(317) 576-9376

Virginia Home School Workshop (Gregg Harris)
September 28-29 - Fairfax, VA
Christopher J. Klicka
Contact: Mary Ellen Tedrow
(703) 430-9544

Regional Conference of Christian Home Educators (Gregg Harris)
October 12-13 - San Jose, CA
J. Michael Smith
Contact: Kathy Means
(415) 965-2594

Regional Conference of Christian Home Educators (Gregg Harris)
October 26-27 - St. Louis, MO
Michael P. Farris
Contact: Al Gingerich
(314) 528-5724

West Virginia Home School Workshop (Gregg Harris)
November 9-10 - Charleston, WV
J. Michael Smith
Contact: Penny Fox
(304) 462-8296

New York: Striving For Less Strife

By George Whitten

New York members have experienced numerous school district conflicts during the past few months which illustrate the stressful circumstances under which many home schoolers fulfill their responsibilities on a year-around basis.

* Clarifying Compulsory School Age

The Lansingburgh Central School District created a struggle over compulsory school age when an anonymous report was made to the district that an HSLDA family's son was six years old but not enrolled in school. A principal (from a different school than the child would have attended but who was a friend of the members' relatives) and an attendance officer came to the house. They announced that the family was breaking the law and warned them to enroll their son within a certain number of days. Later the local elementary school principal called to tell them they had broken an appointment which had never been set. After an HSLDA attorney explained to the principal that children who turn six before December 1st fall under the jurisdiction of the compulsory attendance law and that the boy in question turned six on December 4th, the school district referred the matter to its attorney.

The school lawyer called HSLDA twice and wrote once, claiming that the December 1 cut-off date defined when five-year-olds were eligible to attend kindergarten. He specified further that if a child turned six any time during the school year, he had to be enrolled in school by that date. The family pointed out that with the given explanation, a child who turned six on May 1 would have to start school even though the session ends in early June. That argument was used in HSLDA's reply to the school district's solicitor along with the reasoning that since Kindergarten programs meet for half days and children of compulsory age are required to attend a full day of instruction, "parents have the discretion to send their five-year-old child through kindergarten before they send him to first grade. The [members'] child, if sent to kindergarten this 1989-90 school year, would not be attending a full day of instruction, though you claim he is of an age that can be compelled to attend upon a full day of instruction." This seems to have ended the matter since the threat to "commence appropriate proceedings" has not been carried out.

Even for small liberties, the price is eternal vigilance. It would have been easier for this family to avoid the issue since they were teaching their son anyway, though he was below compulsory school age. They could have filed the paperwork and declined to speak to the improper enforcement of the state law.

* Reinforcing Appropriate Reporting Requirements

The Utica district indicated in writing two home school families that their quarterly reports [QR] should contain examples of the child's work, showing the correct answers alongside the child's answers. "This should take several pages," one parent was told. It didn't seem to matter that most districts had circulated QR forms at the beginning of the year which took care of several subjects on one page. According to state rules, the quarterly report must describe the material covered. A portfolio of the child's work is not reviewed until the end of the year, and even then the evaluation is done by a person chosen by the parents. After the families responded, the district did not repeat the demand. The families will be using QR forms developed by Loving Education At Home [LEAH].

* Settling Scheduling Discrepancies

Another member's daughter finished her seventh grade curriculum in April and will study eighth grade material for the remainder of the school term. An Individualized Home Instruction Program [IHIP] for the eighth grade had already been filed, and the fourth quarterly report and annual assessment had been filed with the superintendent. The family received a letter from the superintendent stating that he did not have time to review the evaluation for the seventh grade work until summer vacation and that he did not want the student to start eighth grade before the present year's evaluation was reviewed. He did not specify if he wanted the child to stop attending school for the remainder of the current school year, to do seventh grade work over again, to put less time in and prolong the seventh grade curriculum, or to expand the program with more materials and activities. Some of those options are not lawful; some are. It is also lawful for studies on two grade levels to overlap during the same school year. The family drafted a careful reply to the superintendent and is pursuing the course they had planned.

* Pursuing Creative Options

The Central Square school district told an HSLDA member that the two units (equivalent to two years) of science required in high school had to be taught during the first two years. The family in question had scheduled their science courses so that all three of their high school sons studied biology during the same year. This year no science is being taught to the son who is still in the first two years of high school.

The quarterly report for the second quarter was returned to the family with an objection to "intermittent" instruction in science and a demand that science instruction be ongoing until the two units were fulfilled. The letter included a listing of senior high courses in the public school system showing that science was taught the first two years. The parents explained that two years' worth of science can be taught over a four-year span and claimed that the parent may decide to structure the program in that manner. They have heard nothing further from the district.

Another New York family following the Calvert curriculum (supplemented with A Beka Book and Bob Jones University Press materials) covers science during the first and second quarters of one grade and the third and fourth quarters of another grade level. They use the same schedule design for teaching social studies, covering the subject in one semester each year. When the quarterly reports for the first and third grade children were submitted, the school noted the omission of science instruction for the first and second quarters for one of

Across the States

Kansas Home Schoolers Challenged

Kansas home schoolers are routinely challenged by school districts who do not think home schooling is legal. A few months ago, HSLDA was able to convince a prosecutor to dismiss the Melrose case, a challenge in Kingman County against a home school family who was operating as a nonaccredited school.

Recently, Miami County turned the Anderson family over to the prosecutor even though they met all the requirements of a nonaccredited school. HSLDA attorney Chris Klicka wrote a letter to the prosecutor clearly proving the legality of home schools operating as private schools in Kansas. In Lincoln county, the Schultz family has been challenged by a local school official who doubted the "acceptability" of home schooling as a valid excuse from compulsory attendance. The official turned the situation over to Social and Rehabilitative Services. Attorney Klicka is representing the family.

Virginia Grants More Religious Exemptions

Each year the most difficult challenge home schoolers face in Virginia is the one of trying to obtain a statutory religious exemption pursuant to the Virginia Code §22.1-257(A)(2).

This is the first "school-year" in HSLDA history that no HSLDA families were denied religious exemptions anywhere in the state. In addition to the listing of numerous families in the last two issues of the Home School Court Report, several more families have received official religious exemptions from their local school boards. In Highland County, where HSLDA's Chris Klicka obtained a dismissal of the Schwartz case a few years ago, the Lombard family was granted a religious exemption by the local school board. In Bedford County, another previously hostile school board granted a religious exemption to the DeWald family after hearing from Chris Klicka. Two years ago HSLDA won the *Shiflett* case in Bedford on a technicality.

The Wood family in Chesterfield, the Jones family in Orange, and the Goad family in Caroll Counties were also recently granted religious exemptions. Fairfax County, which has traditionally neither granted or denied religious exemptions, has informed two families that "we acknowledge that your home schooling is based on your bona fide religious beliefs." Although the assistant superintendent does recognize the families' beliefs as bona fide, the school board, who alone has statutory authority to grant religious exemptions, has not officially granted them the religious exemptions.

Many more families throughout the state are still waiting to hear from their respective school boards. In the meantime, the Johnson and the Morgan cases, involving two families who were denied religious exemptions two years ago in Prince William County, have been appealed to the Virginia Court of Appeals. Attorney Klicka will be filing legal briefs to the court on their behalf later this month.

Case Won in Alabama Due to the "Thousand Foot Rule"

Certain school districts in Alabama each year challenge the right of home schools to operate under the church school exemption. In Ft. Payne the city school board attorney filed Declaratory Judgment against a home school father and his son, asking the court to determine the legality of home schooling. After talking with the family, Attorney Klicka of HSLDA found out that the home school family lived just outside the city limits. After further investigation it was discoverd that the family lived only one thousand feet outside the city limits!

Mr. Klicka, therefore, immediately filed a motion to dismiss the *Johnson* case with the DeKalb County Court based on lack of jurisdiction. The city school district had no authority to bring suit against a family outside its boundries. The school board attorney independently surveyed the distance and confirmed that the family lived one thousand feet outside the city. As a result, the school board attorney stipulated to the dismissal. This is the second case in Alabama that HSLDA won on a technicality. In another case the prosecutor was not able to prove the child in question was of compulsory attendance age, and the judge consequently dismissed the case.

The *Johnson* case of Ft. Payne demonstrates how easily home schooling can be challenged in Alabama.

Oklahoma Home Schoolers Win Admittance to Vocational Schools

Home school children in Oklahoma who wanted to receive training at public "vo-tech" schools were routinely discriminated against. Many school districts charged the home school children tuition, even though they were residents and other school districts would not allow them to enroll. In January the State Vo-Tech Education Board proposed a rule which allowed home school children to be enrolled in vo-tech schools only if they obtained an affidavit from the local district attorney that their home education was "appropriate."

Home schooling in Oklahoma, according to statute and the Oklahoma Constitution, does not have to be "approved" by the state. The Oklahoma home schoolers a few months earlier defeated legislation which would have required home schools to be approved. The Vo-Tech Board, however, was attempting through the "back door" to require home schoolers to be approved by the local prosecutor.

Dennis Warren of CHEF, Mike Jestes of OCHEC, and John Eidsmoe, a constitutional law attorney from Tulsa, along with many other home schoolers attended a hearing on March 22. Earlier they had consulted with the HSLDA legal staff. As a result, of their combined efforts and testimony, the Vo-Tech Board agreed to allow home schoolers to attend vo-tech schools, tuition-free, as long as they submitted information showing reasonable evidence of education such as test scores, grades, and attendance records.

This success of home schoolers contributes to erasing their "second-class citizen" status in regards to receiving public services in Oklahoma □

Arizona Officials Exceed Law

In 1982 Arizona passed a home school law which requires home schoolers to file an "affidavit" with their county superintendents. The teaching parent must pass the reading, grammar, math, social studies, and science exams geared for the 8th grade, and the child must take an annual standardized achievement test.

Although the law has ended much of the conflict home schoolers previously experienced prior to 1982, each year certain counties attempt to impose illegal requirements on the home schools. This year in Maricopa County, the Director of Programs and Services has developed a new "affidavit" form for home schools. This new "affidavit" demands information on the child's grade, information on any former school the child may have attended, summer address of the parent, tentative dates for summer residence, place of employment for the working parent and several other items—all of which are beyond the authority of the school district. If a family does not send all the information in, the school district notifies them that their form is "not acceptable" and that they are required to provide the information.

Early this year HSLDA attorney Chris Klicka spoke at a home school conference in Phoenix and met with the school official of Maricopa who was responsible for the new affidavit. The meeting was set up by Joann and Manuel Roman, home school leaders in the area. The Director of Programs and Services, upon being challenged by Mr. Klicka, admitted that she had no legal authority to demand the additional information but merely wanted the information in order to "help" the families. Mr. Klicka explained that the families did not want the help but merely wanted their constitutional rights, statutory rights, and God-given rights respected. Mr. Klicka also emphasized that there was nothing she could do if a family chose to not fill out the additional information.

Chris Klicka suggested that she return to the old "affidavit" which was formerly used in Maricopa. This form was short and patterned after the law. Meanwhile, the school district continues to intimidate home schoolers in Maricopa. HSLDA attorney Michael Smith has written on behalf of several families who have chosen not to comply with the excessive requirements. The school district has not pursued these families any further. ❑

Tracking The Progress Of H.R.1675 and H.R.3717

S.695 was the Senate version of President Bush's "Excellence in Education"; its "equivalent" in the House is H.R.1675. There is much disagreement among the Congressmen about the desirability and viability of this bill. Republicans claim that the new programs (e.g. funding for student loan forgiveness, in-service training, and a national teacher academy) are necessary to implement the President's educational goals for the nation. Democrats feel that the new programs take much needed resources away from programs which are "tried and true" (e.g. Head Start, vocational educational, and student aid). Unlike S.695, H.R. 1675 does not contain any provision for funding the National Board for Professional Teaching Standards.

Hearings are being held periodically in the House Education Subcommittee concerning this legislation, and Congressman Hawkins has offered an omnibus bill (H.R.4379) to replace H.R.1675, but the proposal is so expensive (appropriations of $5.7 billion in the first year alone as opposed to $1.7 billion total for H.R.1675), that action on it has been postponed even in subcommittee discussion until at least May or June. It is clear that the focus of the House legislation is public education, and to date, there are no implications or inferences to home schoolers in either of the bills.

We are also monitoring a free-standing bill in the House (H.R. 3717), which does appropriate $20 million to the NBPTS. This bill has been in the House Postsecondary Education Subcommittee for many months, and we are committed to adding protective language for home schoolers to it at whatever time it may move through the House Education and Labor Committee to the House floor.

One important side note is that S.695 must be conferenced with whatever measure the House passes before its provisions become effective. Thus, any funding for NBPTS is on hold until that Conference Committee's work is done! ❑

Michigan Contacts Intensify

Michigan continues to be one of the "hottest" states in the country related to frequency of harassment of home schoolers by truant officers and child welfare workers. Over twenty HSLDA families in St. Claire, Midland, Macomb, Newaygo, Kent, Traverse Bay, Gogebic-Ontanagon, and Alpena-Montmorency-Alcona intermediate school districts have recently been singled out for intimidation.

These HSLDA families have all been threatened with prosecution even though they have filed according to the Third Party Reporting Procedure. Many of these families have been visited by police officials, truant officers, or child welfare agents. Some have been required to attend meetings at the court house or have been referred to the prosecutor's office. Attorney Chris Klicka of HSLDA is representing all these families and has written to the school districts several times explaining the legal status of the families and, in some cases, warning the school officials that if they proceed against the home schoolers, they will be held personally liable in a civil rights suit for violating the families constitutional rights.

In April, 1500 people attended the annual Michigan State Home School Conference sponsored by INCH. Among those appearing at the conference were L to R: Marshall Foster, president of the Mayflower Institute, Dennis and Roxanne Smith, Michigan home school leaders, Dave Kallman, Michigan home schooling attorney and Al Cropsey, candidate for the U. S. Congress and home school father.

In one situation a truant officer and a social worker were at the door, and the family called attorney Klicka. The family then handed the phone to them and Mr.

continued on page 19

Mass HOPE's first Home School Convention was attended by over 600 people. Gary and Beverly Somogie (left) organized the convention. Rick Fugate (center- right) and Chris Klicka (right) were featured speakers.

the children. The family anticipated that the same problem would come up regarding social studies when reports were filed for the third and fourth quarters, even though they had filed a plan for the whole year showing that all required subjects would be covered. After confirming with HSLDA that New York law allows room for this sort of creative scheduling, our members wrote to the school district explaining that non-core subjects were scheduled for either the first or second semester. The district replied, acknowledging that the family's program satisfied the requirements.

These home schoolers have taken steps which will protect others like them from needless vexation and groundless criticism. As they have answered the objections for varying from the schedule adopted for use in the public schools, they have prevented misapplication of the law from becoming accepted practice.

A good law is of little benefit unless it is enforced. The Commissioner's Regulations strike a balance which is reasonable, given today's climate. By pressing the good points of the law as it now reads, we prepare the minds of authorities to accept an even better law. By correcting misunderstandings as they arise, our members lay the foundation for peace over the long term. □

"Let the peace of God rule in your hearts."
Colossians 3:15

Discovering the Real Issue in Child Care Legislation

As the child care debate came to a final shoot-out in the House of Representatives this spring, it was interesting to observe how easily the real issues in federal funding of child care can be clouded. The Hawkins-Downey bill (the notorious ABC bill) strongly discriminated against family values and private choice and ruled out religious-based care in favor of a burgeoning day care bureaucracy. In response, the Stenholm-Shaw "Family Choice and Child Care Improvement Act" (H.R. 4294) offered a voucher system which would have promoted family choice and sectarian care, and there was even some discussion of a special tax credit benefit for mothers who chose to stay home to care for their infants (under 12 months old).

While it is easy to applaud any possibility of the federal government finally recognizing the value of mothers who choose to rear and nurture their own children, one has to wonder if the federal government should be paying the nation's babysitters—parent, Christian day care, or otherwise! HSLDA's position is that the federal government does not belong in this role no matter how favorably the terms could be written at the outset. This constitutes a massive philosophical error as well as a financial nightmare for every taxpayer! □

To Drive or Not To Drive!

The answer may lie in your state's truancy legislation! In an effort to curb the problems public school officials are experiencing with increasing high school dropout rates throughout our country, state legislatures are beginning to link drivers' licenses with high school diplomas and drivers' permits with attendance in bona fide high school programs. Unless the language of these bills is amended to specify that home school students are exempted from any penalty, these young people could inadvertently be placed into a position where they are declared to not be "attending a bona fide school" or as "not having a high school diploma."

The National Center for Home Education has done a survey of the bills currently before state legislatures which need attention in this behalf. State leaders have been informed of the pending legislation, and suggestions for exemption language have been given. States where such legislation is pending include Alabama, Arizona, California, Colorado (has achieved effective exemption clause), Georgia, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Mississippi, North Carolina, Nebraska, New Jersey, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Vermont, Washington, and Wisconsin. □

Principals Move Toward "Global Society"

"Representatives from eight nations last week announced the formation of an international group for school principals that is said to be the first of its kind.

"The new International Confederation of Principals is intended to promote the professionalism of principals throughout the world, according to its organizers, who include leaders of the National Association of Secondary School Principals [NASSP] and similar groups in other member countries.

"The announcement was made in San Diego at NASSP's annual convention. Timothy J. Dyer, NASSP's executive director, was elected interim secretary general of the confederation.

"In addition to the United States, the initial members are Britain, Canada, Japan, the Netherlands, the Soviet Union, Switzerland, and West Germany. Membership is open to additional countries.

"Creation of such a group is `a logical step for a global society,' Gerald Purdy, president of NASSP, said in a statement."

This announcement was made in an article written by Ann Bradley for *Education Week's* February 29, 1990 issue. □

The Urgent Need To Restore A Biblical View of Education

By Chris Klicka

(This article originally appeared in the Spring 1988 issue of the Home School Court Report. Because of the importance of this subject, it is being reprinted with some additions.)

With a majority of school-aged children attending public schools, education in America has primarily become a function of the state. The public school system is failing miserably both academically and morally. The state, meanwhile, not content to control only public schools, constantly encroaches on the freedoms of private schools and home schools through various case precedents, regulations, and statutes. As a result, many public school authorities have come to believe they are the guardians of all children. In fact, when I negotiate with public school superintendents, they frequently refer to the children in their school districts as "our" children. It is apparent that superintendents sincerely believe they know what is best for "their" children; thus, they feel obligated to "approve" home schools.

Is this assumption by the superintendents correct? How can we determine who has the true authority and responsibility in the education of our children? Do we need to restore a biblical view of education? Let us consult the best source of truth, the Word of God, which is the standard by which all things are measured.

* God Delegates The Responsibility To Rear Children To Parents

According to scripture, children belong to God, but the responsibility and authority to rear and educate them is delegated to their parents.

> *Behold, children are a gift of the Lord; The fruit of the womb is a reward. Like arrows in the hand of a warrior, so are the children of one's youth. How blessed is the man whose quiver is full of them; they shall not be ashamed when they speak with their enemies in the gate.* Psalms 127:3-5.

In Genesis 33:5, Jacob introduces his children to his brother, Esau, as "the children whom God has graciously given me," and similarly in Isaiah 8:18, the prophet explains, "I and the children whom the Lord has given me..." (Also see Hebrews 2:13 and Genesis 48:8-9.) Nowhere in scripture can a reference be found where God delegates the authority to rear and educate children to the state. The only time God's people were educated by the state was when they were occupied by a heathen nation which left them no alternatives. Some famous examples were Moses, Joseph, and Daniel. God, nonetheless, has clearly delegated the responsibility and authority to teach and rear children to the parents first. Parents may delegate their authority to rear and teach their children to someone else (i.e. tutor, church school, private school, or public school), but they can never delegate to anyone else their responsibility to teach their children. In other words, God will always hold parents responsible for the education children receive. For this reason, parents need to beware of who is teaching their child(ren), what is being taught verbally in class by both the teacher and the peers, and what is being taught in all textbooks and supplemental books and projects.

* Children Still Belong To God

Although God has "given" children to parents, children are a "gift of stewardship"; this means that parents do not really "own" their children. Parents, therefore, are not free to rear their children as they please because God gives parents certain "conditions" that must be met. God still considers the children to be His children. God refers to Jacob's children as *"the work of My hands..."* in Isaiah 29:23, and David gave thanks to God for being *"fearfully and wonderfully made"* while in his mother's womb in Psalms 139:13-14. (Also see God's claim to unborn children whom He has made and called while they are in their mothers' wombs in Jeremiah 1:5, Psalms 139:13-16, Job 10:8-12, Isaiah 49:1,5, and Luke 1:41, 44.)

In Ezekiel 16:20-21, the Lord emphasizes again that the children are His:

> *Moreover, you took your sons and daughters whom you had born to Me, and you sacrificed them to idols to be devoured. Were your harlotries so small a matter? You slaughtered My children and offered them up to idols causing them to pass through fire.*

God judged these parents severely because they did not meet His conditions for raising His children. They gave their children up to an idolatrous system which hated God. The conditions for educating our children are explained throughout scripture.

* God Mandated Conditions for Rearing Children

Fathers are commanded to *"bring them [children] up in the discipline and instruction of the Lord"* (Ephesians 6:4).

Furthermore, in Deuteronomy 6:6-9, the Lord, after restating His moral law, declares:

> *And these words which I am commanding you today, shall be on your heart; and you shall teach them diligently to your sons and shall talk of them when you sit in your house and when you walk by the way and when you lie down and when you rise up. And you shall bind them as a sign on your hand and they shall be as frontals on your forehead. And you shall write them on the doorposts of your house and your gate.*

(Also see parallel passages in Deuteronomy 4:9, 11:18-21, Psalms 78:1-11.) In other words, God's commands and truth must be taught to the children by the parents, and the teaching must be done diligently. Children are to be trained in the "instruction" of the Lord. How can this be achieved if a child spends six to seven hours a day receiving a public education empty of all references to God's truths?

It is clearly the parents' primary responsibility to teach their children *"so that*

your days and the days of your sons may be multiplied..." (Deuteronomy 11:21). These commands to educate our children, of course, cannot be fulfilled once a week at Sunday School. It involves a comprehensive approach to education on a daily basis. The commands of God should be taught to your children when you sit in your home, when you rise up, when you lie down, and when you travel. In other words, all the time!

This comprehensive educational program is to be based on God's commands. Two of the goals of Godly education, therefore, are that children will put their confidence in the Lord and that they will keep His commandments.

> *For He established a testimony in Jacob, and appointed a law in Israel which He commanded our fathers that they should teach them to their children that the generation to come might know, even the children yet to be born, that they may arise and tell them to their children, that they should put their confidence in God and not forget the works of God, but keep His commandments.* Psalm 78:5-7

The children are likewise told to obey these commandments which are given to them by God through their parents:

> *My son, observe the commandments of your father, and do not forsake the teaching of your mother; bind them continually on your heart. Tie them around your neck. When you walk about, they will guide you; when you sleep, they will watch over you and when you awake, they will talk to you. For the commandment is a lamp and, the teaching is light; and reproofs for discipline are the way of life. . . .*
> Proverbs 6:20-23.

Again, the comprehensiveness of a Godly education is emphasized. David explains that we need to "meditate" on God's law day and night. (See Psalms 1:1-2, 119.) How can our children meditate on God's law when they are never even taught God's law in the public schools? In fact, we are to *"take every thought captive to the obedience of Christ"* (II Corinthians 10:5).

This responsibility is immense. We must train our children to think God's thoughts after Him. A Godly education, therefore, is learning not only to believe as a Christian but to think as a Christian. Unfortunately, public schools and some private schools are teaching children who believe as Christians to think as non-Christians. Since Christian parents in the past have neglected their duty to follow this comprehensive approach to education, generations of adult Christians now apply ungodly principles in their lives and workplaces while simultaneously believing Christian doctrine.

Proverbs 23:7 states, *"For as a man thinks; so is he."* Moreover, the scriptures state, *"Everyone after he has been fully trained, will be like his teacher"* (Luke 6:40). This passage continues by describing blind people who lead other blind people into the pit. This is why it is so important that we teach our children to think as Christians and to be taught by Godly teachers. Let us not allow our children to be conformed to the pattern of this world, but let them be *"transformed by the renewing of their minds, that they may prove what is that good, and acceptable, and perfect will of God"* (Romans 12:2).

* Watch Out For Peer Pressure!

Even though we give our children a biblical education, we must also protect them from "negative socialization." Scripture warns, *"Be not deceived, bad company corrupts good morals"* (I Corinthians 15:33). Proverbs 13:20 adds the thought that *"He who walks with wise men will be wise, but a companion of fools will suffer harm."*

* What Is The Content of True Education?

It is clear from the passages quoted above that God delegates the authority and responsibility to teach children to the parents. God requires us to make certain that His Word and principles are applied in a daily, comprehensive manner to the education and upbringing of our children. Furthermore, He will hold us responsible as to how we direct the education of our children. We must be careful not to *"cause one of these little ones who believe in Me to stumble"* by subjecting them to an ungodly education, because Christ explains *"it is better for him* [the offender of the child] *that a heavy millstone be hung around his neck, and that he be drowned in the depth of the sea..."* (Matthew 18:6). (Note as well the consequences of disobedience outlined in Deuteronomy 28.) Paul further reminds us that if we do wrong, we will *"receive the consequences of that wrong...and that without partiality"* (Colossians 3:25).

Therefore, let us be careful to provide our children with an education whose content reflects God's character and is based on His Word. Paul promises:

> *All scripture is inspired by God and profitable for teaching, for reproof, for correction, for training in righteousness; that the man of God may be adequate, equipped for every good work.*
> II Timothy 3:16-17.

Scripture speaks to every area of life. We all know that education is inescapably religious. Every subject, as a result, needs to be studied through the lens of God's Word. If we do this, our children will be equipped for every good work and able to apply God's principles to every area of life. Their beliefs will not be separate from their thoughts and actions.

The argument for home schooling has much support from God's Word. It outlines the most successful way parents can fulfill their immense obligations in providing their children with a comprehensive, biblical education. The goal of home schooling is to raise our children so that each of them

> *will be diligent to present [himself] approved to God as a workman who does not be ashamed, handling accurately the Word of truth.*
> (II Timothy 2:15).

Remember this promise: *"And all your children shall be taught of the Lord; and great shall be the peace of thy children"* (Isaiah 54:13).

I am convinced that God is raising up the home school movement, whose children will one day assume leadership by default because they will be able to assume leadership. May God bless you as you faithfully teach your children to walk in His ways! □

Staff Changes at HSLDA

Evidence of the Lord's blessing is demonstrated at HSLDA in many areas, and one of the most tangible areas is the ever-increasing work load! A new legal assistant, Susan Dawson, has been hired to assist Chris Klicka. Susan moved from California to Virginia in 1982 and worked for the U.S. Department of Justice for six years before God brought her to HSLDA. This much needed staff addition has made it possible for Pat Ramirez to concentrate her efforts as a legal assistant on Michael Smith's assignments.

Annette Holloran, having served as Mike Farris' legal assistant during the past year, left HSLDA rather suddenly for the very wonderful reason that God graciously gave her and her husband, John, a baby to adopt. Luke Daniel joined his momma and poppa on April 16th, and both parents and baby are adjusting well. Although we will miss Annette, we rejoice with her and John in this precious gift from God.

Due to Annette's departure, Mike Farris needed a legal assistant and, once again, God provided by bringing us Debbie Stevenson at just the right time. Debbie, also a native Californian, came to HSLDA after nine years of service with the Christian Legal Society.

Elizabeth Wilson, who has worked faithfully and cheerfully as a receptionist/membership assistant, will be leaving HSLDA in May to serve as a full-time administrative assistant and office manager at her church. We will certainly miss Liz, but we are excited to see how God has led her to this challenging and rewarding new ministry.

In light of Liz's new opportunity, we are especially happy to add Katherine Eppley to the membership department of HSLDA. Katherine will one of the voices you hear as you call for general information. She and her husband, Eric, are rejoicing in this special ministry to home schoolers.

In the National Center for Home Education, a division of HSLDA, we are pleased to welcome Suzanne Stephens as executive assistant. Suzanne is a native Oregonian who comes to us via the Chicago area where she served in the Seminar Ministries department of the Institute in Basic Life Principles during the past seven years.

As the summer approaches, we anticipate a very busy application season. Please pray with us that God will strengthen our hands for the tasks before us. We are excited as we look forward to all that God has in store for us in the coming days, and we are grateful for the opportunity He has given us to serve you through HSLDA. □

Meet the Staff

In July 1989 we received a letter from Mrs. Laurie Dunn (PA) asking, "Could I suggest mini-personal profiles on the staff for the Newsletter? I like to get to know people I work with." We appreciated the suggestion and believe it will make contact between the HSLDA staff and our members a little more personal. Beginning with this edition of the *Court Report*, we will include a short biography of an HSLDA staff member in each issue. We hope you will enjoy getting to know us! Thanks, Laurie!

1989 brought several changes to the HSLDA staff. Cora Prather joined us on July 12, 1989, as the new Assistant in the Membership Department. Prior to her employment at HSLDA, Cora worked for Prison Fellowship Ministries for six years. It was through a co-worker at Prison Fellowship that she first heard of the job opening at HSLDA. Cora recalls, "It was really neat how the Lord worked it all out. I had been praying for three years for a different job opportunity." Cora's responsibilities include all aspects of the application approval process and data entry, and she may be one of the first voices you hear when you call HSLDA. One of Cora's many outstanding qualities is her faithfulness. As surely as the sun rises each morning, you can depend on the fact that Cora is doing her work with great diligence and care.

Cora was born and reared on a farm in West Virginia. After graduating from high school, she moved to Washington, D.C., found a job, married, and has been in the area ever since. Residing in Herndon, Virginia with her three children, Cora takes time for her special interests in reading and cooking, and "especially baking." Her dream is one day to have her own business called, "Cora's Cakes & Cookies," but in the meantime we want her to stay right here with us.

When asked about her greatest blessing, she smiled and said, "my children, Debbie, Diana and Michael. God has used them to teach me so much." She went on to say, "My oldest child, Debbie, was born with Downs Syndrome. God has taught me more through Debbie's handicap than you can imagine. God used her to open my mind to a whole different perspective. When the Bible says, 'come unto me as little children,' I know what He means. With Debbie's mind like it is, she will always be a small child....Christ-like....so willing to give love. I love her childlike faith." Cora pointed out that one of her favorite passages is I Corinthians 13 because, "I have been taught what love really is. I used to ask the Lord 'why me,' now I ask....'why not me!"

HSLDA staff member Cora Prather with her children (L to R) Debbie, Michael, and Diana — We're grateful for all your hard work!

This giving spirit is evident in Cora's life. She radiates an abundance of love, and her simple faith and prayerful heart is a great encouragement to the staff. Cora has just come through a difficult time of testing in her life with a serious kidney infection. Pray with us that God will soon grant her complete recovery. We love having her here!! □

Obedience Is Better!

Ten-year old Misty watched through the patio door as her cat played outside on the deck in the California sun. It was late in the day, and she would much rather have been outside playing with her cat Suki instead of sitting inside finishing the day's school work. She reminded herself, "Mom said I have to finish my work before I can go outside." Then she thought, "My older sister is watching me. Maybe, just maybe, I can finagle my way out of finishing this work so I can go outside with Suki." It was

Obedience Is Better!

continued from page 16 . . .

a tough call for a ten-year old. "Mom said I have to obey. God protects you when you are obedient," she told herself.

Dissatisfied with the result, the enemy of the soul added a little extra temptation to the pot: Misty's sister had to leave her alone in the room for a while and told her to stay and finish her work. That sunny deck looked better and better all the time, and that cat was having so much fun! It was so nice outside. She probably could get away with sneaking just a couple of minutes outside while her sister was gone. Who would know? But her conscience reminded her, "Mom said I have to learn to obey. God protects you when you are obedient. When you disobey, you move out from under His protection."

As Misty gazed out the door, fighting the inner spiritual battle, another battle raged around her. The rumbling sound began to grow louder and louder. The earthquake caused the table in front of her to move. Books and glasses flew from their places on the shelves. Mirrors and windows cracked and shattered. Misty was knocked from her chair while objects fell all around her. She looked up just in time to see the chimney come crashing down, collapsing the deck.

While it was not immediately evident, the family later discovered that the cat was buried under the pile of debris from the chimney. When Misty finally learned of Suki's fate and realized what could have happened to her had she not been obedient to her mother and her own conscience, she broke down and confided to her mother the temptations she had been fighting that day. She acknowledged that her mother had certainly told her the truth.

Most of the time we are totally unaware of God's protection and intervention in our lives. Once in the while we may have a "close call" which reminds us just how dependent we are on our Creator Who gave us life in the first place. This true account is a precious illustration of just how important it is to be obedient and to resist temptation. That really is the only safe ground to be on! □

HSLDA Cancels American Express Cards

Like many of you, we received word from Focus on the Family that American Express has contributed substantial sums of money to Planned Parenthood. We called to verify this, and American Express sent us a full list of all groups receiving donations. We then found that not only has American Express supported the nation's leading abortion organization, they have also given to several other organizations who are enemies of traditional American and family values. These groups include the Children's Defense Fund (the leading "children's rights" group in the country), the National Organization for Women Legal Defense Fund, the Ms. Foundation for Women, and the Council for National Policy.

Knowing how many of our members feel about such organizations (not to mention how we feel), we have decided to cancel our American Express Cards, which we used for travel. We would like to encourage each of you who have American Express cards to consider your responsibility in light of this organization's consistent pattern of funding the left-wing enemies of the family. It has been our experience in travel that both VISA and Mastercard are accepted everywhere that American Express cards are accepted and numerous places where American Express is not recognized.

We were delighted to learn that recently AT & T has cancelled their significant philanthropic contributions to Planned Parenthood. We know that the leadership of AT & T would appreciate receiving your positive feedback about this decision in light of the many pressures pro-abortion groups are placing upon this corporation. Toll-free calls to register your opinion can be made by dialing 1-800-842-8369. □

THANK YOU!

(Letters Received from HSLDA Members)

"Our family sings the praises of HSLDA. We think that you are doing a tremendous job, just being there. The peace of mind you give us is beyond any dollar value. We hope that we will never require your legal assistance, and we continue to support HSLDA—enthusiastically—because we know that *others* might not be able to home school without your help. I don't know how courageous I would have been, deciding to home school in the first place, if your group had not been there. Our three children are receiving a quality education at home, and HSLDA deserves some of the credit. We probably would have been driven by desperation to select home schooling for our children at some point their educations, but HSLDA gave us the necessary confidence to begins home schooling *before* we became desperate. The damage that we've had to `undo' has been minimal as a result. I know that I'm so busy raving to others about HSLDA that I probably neglect to tell *you* what a great job you're doing, and I suspect that there are others who feel as strongly as we do, but don't find time to mention it to you. So, speaking for an unknown number of parents who are juggling a homebased career, home schooling, church activities, etc., etc., etc., . . we are very, VERY grateful—even if we don't always remember to say `thank you'!

"And I was VERY glad to be able to call you when the request for our portfolio arrived; it was so *calming* to have someone there on the other end of the phone line, to tell me that it all sounded routine (which, as it turns out, it *was*!). I remained a bit nervous, but didn't lose sleep over it; without HSLDA, I *know* I would have been pacing the floor at night, with worry!

"Thanks very, very much."

◆ ◆ ◆

"Dear HSLDA,

Thank you so much for the work you are doing. The court case here in Texas brought so much relief to us. Our support group had the boldness to set up a PE program with the City Parks as a result.

With the favorable climate we have here, we do not really feel the need for legal counsel. However, we realize the need in other states and also the huge part you played in settling the court case here.

Thank you so much."

"Behold, to obey is better than sacrifice, and to hearken than the fat of rams. For rebellion is as the sin of witchcraft, and stubbornness is as iniquity and idolatry . . ." I Samuel 15:22b-23a.

PRESIDENT'S CORNER:

A Tale of Two Critics

By Michael P. Farris

Scripture warns us to beware when all men speak well of us. Since sharp criticism from two opposite viewpoints is coming our way regarding our opposition to the Senate's proposed funding of the National Board for Professional Teaching Standards, I am beginning to feel we were on the right track! The public attack of HSLDA was waged in the form of two well-written articles, one coming from the political left of the home schooling movement, the other from the right. I would rather not name names.

Let's take a second look at S.695 and our concern for the funding of NBPTS in light of these two criticisms. The right is saying that S. 695's funding of the NBPTS is the most dangerous thing that has ever happened to home schoolers. They view the protective language exempting home schoolers from the bill as totally inadequate.

The left criticizes us because they see the NBPTS as a benign group of public educators solely attempting to improve the public schools. They view HSLDA and the 100,000 home schoolers who barraged Capitol Hill with phone calls and letters as uninformed alarmists.

There are some common elements in these criticisms. Each author checked with only one source before publishing his blast, and neither author called to clarify the rationale for our views before writing a scathing (from the right) or sarcastic (from the left) attack of our actions.

The author from the right checked only with Senator Helms' office before writing his story. Senator Helms' aide gave the person accurate information, but told the author of potential problems that could occur under a "worst case" scenario. The aide made it clear that these extreme cases were unlikely to occur. Nonetheless, the author from the right treated these cautions as established fact and sounded an alarm, warning that the protective language is not good enough.

In the meantime, HSLDA has obtained appropriate proof which could be used in court to protect home schoolers against these "worst case" scenarios.

Although the critic from the left talked with several people, they all represented one perspective — that of active proponents of the NBPTS. He was assured by Senator Dodd's office that they meant home schoolers no harm. He also talked with an official at the NBPTS who assured him of their benign intentions toward home schoolers.

This critic made some important factual errors in his presentation as well. He claims that title X passed 92-8 in the Senate. That statistic describes the vote on final passage after the home school protective language was placed in the bill. The motion to delete all funding for the NBPTS by striking title X failed by a 64-35 vote. This critic was also inaccurate in stating that the funding of title X had been passed in the House before reaching the Senate floor for consideration and before the home schoolers' alert was activated. This is not true. The House has yet to consider this bill. The House version of S. 695 (H.R. 1675) has no reference to title X appropriations in its text!

HSLDA was originally alerted to the problems with the NBPTS by home schoolers from several different states who had read articles about the board in their local papers. These articles uniformly carried the wording that the NBPTS was out to dispel "the myth that any modestly educated person with an instinct for nurturing children" was capable of teaching.

We were then alerted a second time to the problems in the bill's funding of the NBPTS by Dr. Charles O'Malley, Director of Private Education programs for the United States Department of Education.

We talked with our friends in the conservative pro-family movement. We talked with the dean of constitutional lawyers, William Ball. We talked with moderate Republican senators. We talked with conservatives. We talked with liberal Democrats. We read the published material written by the NBPTS where the "myth" quotation originated.

We have subsequently talked with officials from the NBPTS. Inge Cannon, associate director of the National Center for Home Education, and I met with Sally Mernissi, Director of Government Relations for the NBPTS. I also had a very cordial phone call with (former) Governor James Hunt, the chairman of the NBPTS.

Both of them assured me that the NBPTS had no intention to harm home schoolers, and like the critic from the left, I believed them. However, what the critic from the left apparently misses is the perspective of how these things work in real life.

A few years ago, as HSLDA was being founded, Congress passed a law requiring all schools, public and private, to do whatever was necessary to remove asbestos from their facilities. Did Congress intend to require home schoolers to rid their homes of asbestos? Of course not! But asbestos inspectors didn't know that. They simply read the law which stated that all schools had to have asbestos removed. Home schools in many states, including California and Texas, are treated as private schools.

In these states we experienced major difficulties with local officials who wanted either to have families go through inspections with possible major renovations or else stop conducting "private schools" in their homes. After months of efforts, we finally received a letter from the Environmental Protection Agency, assuring us that home schools were not included in the mandatory inspections.

It would have been much better if there had been a disclaimer written into the original law, something like "This act does not require home schools to do asbestos inspections or be in compliance with the standard."

Did Congress intend to hassle home schoolers? No. Were home schoolers being hassled? Hundreds of them were.

Currently several branches of our nation's military service are refusing to allow a person to enlist unless he or she has graduated from a high school which has been approved by the state department of education. GED graduates are not permitted to enlist unless they first complete several hours of college credit and even then

continued on page 19

A Tale of Two Critics
continued from page 18 . . .

are often treated as less desirable candidates for training programs and eventual promotions.

In many states, California and Texas again being good examples, private schools are not "approved" by the state department of education. Thus, almost all home schoolers and millions of private school students are ineligible to enlist in military service because their diplomas do not bear the endorsement of their states.

Does the Department of Defense intend to prevent these students from enlisting? We don't think so. Are they preventing students of legitimate home schools and private schools from enlisting? Yes, they are.

We are working right now with the Pentagon and the Department of Education to see if we can clarify this misunderstanding and providing wording for an acceptable enlistment policy.

Almost 30 states in our nation are considering pending legislation which would deny drivers' permits and licenses to students who are not enrolled in approved high schools or have recognized high school diplomas. Do the state legislators intend to hassle home-school students? No. But, if the legislation passes without appropriate

continued on page 20

Michigan Contacts
continued from page 10 . . .

Klicka convinced the officials to leave.

Attorney Klicka, in the meantime, has been dialoging with the Assistant Attorney General of Michigan, encouraging him to advise the Department of Education to recognize officially the Third Party Reporting Procedure as applicable to home schoolers. (Two years ago the Department did recognize Third Party Reporting as applying to home schools, but they later changed their minds.)

The DeJonge/Bennett case is still pending before the Michigan Supreme Court, awaiting their decision to accept or reject the case. Please lift up the Michigan Supreme Court Justices in prayer, that God might move them to take the case and reverse the convictions of the DeJonges and Bennetts. ☐

New Materials From HSLDA

Available in June, Michael P. Farris has just completed the manuscript for his new book ***Home Schooling and the Law***. This 200 page book gives a complete legal orientation to any prospective or current home school parent. Written in conversational "laymen's" language, the text thoroughly outlines a parent's constitutional right to home school and clearly defines state requirements. Charts outlining test requirements make this the most complete and understandable description yet!

◆ ◆ ◆

The August 1990 ***Home Schooling in the United States: A Statutory Analysis*** by Christopher J. Klicka will be available from the Home School Legal Defense Association in June. The "chart" is a 55-page analysis of the home school laws and regulations in the 50 states and territories. Each page is devoted to one particular state or territory and lists the pertinent laws, regulations and major cases pertaining to home instruction. The analysis is written in understandable outline form and is an excellent tool for those who will be lobbying their legislatures to pass a home school law, for those who will be educating others on the progress of home schooling throughout the country, and for attorneys who will be providing legal assistance to home schoolers.

This edition has been completely revised to reflect all changes in legislation and regulations through the Summer of 1990. If you choose to order this home schooling legal analysis, you will be notified each year when the new edition is completed, and will have the opportunity to order the latest update.

◆ ◆ ◆

Christopher J. Klicka has authored a booklet entitled ***The Case for Home Schooling: An Academic and Legal Perspective***. The booklet provides a concise defense of home schooling based on recent academic studies and court cases. It is a valuable tool for educating friends, relatives, the media, and the legislatures about the issues of home schooling.

◆ ◆ ◆

A booklet entitled **"Should Home Schoolers Obey the Law"** written by Mike Farris, is now available through HSLDA. The cost of the booklet is $2.00 each for orders less than 25 copies, and $1.25 each for 25 or more copies.

To receive these materials:
please complete this form, include a check made payable to HSLDA, and return it to:
HSLDA,
Paeonian Springs, VA 22129.

[Note: All prices include shipping and handling.]

— — — — — — — — — — — — —

Name _____

Mailing Address: _____

_____

City: _____

State: _____ Zip: _____

☐ Please send me _____copy/copies of **Home Schooling and the Law.** Enclosed is my check in the amount of $_____. *(Each book is $11.50; Bulk orders of 25 or more $7.00 each)*

☐ Please send me _____copy/copies of **Home Schooling in the United States: A Statutory Analysis.** Enclosed is my check in the amount of $_____. *(Each chart is $20.00)*

☐ Please send me _____copy/copies of **The Case for Home Schooling: An Academic and Legal Perspective.** Enclosed is my check in the amount of $_____. *(Each booklet is $5.00)*

☐ Please send me _____copy/copies of **Should Home Schoolers Obey the Law.** Enclosed is my check in the amount of $_____. *(Each booket is $2.00 [less than 25] or $1.25 [25 or more copies])*

A Tale of Two Critics

continued from page 19 . . .

clarification, the clerk at the local Department of Motor Vehicles might not allow a home-schooled student to be authorized to drive a car. "No bona fide enrollment or diploma — no license!"

Legislators rarely intend to harm home schoolers in these types of situations. But what the critic from the left fails to realize is that unintended bad consequences to home schoolers can occur if the language of a bill appears to include us in a broad, sweeping way.

In S. 695, there were definitional sections for both elementary schools and secondary schools. These definitional sections cross-referenced definitions which came from the Elementary and Secondary Education Act of 1965. I was the lawyer who traced these definitions to assist Senator Helms' staff. Elementary schools were defined as "a day or residential school which provides elementary instruction." Secondary schools were defined as "a day or residential school which provides secondary instruction."

Armed with these definitional sections, some bureaucrat five years from now could appear on the doorstep of a home school and demand to see the parent's teaching certificate from the NBPTS. (This assumes that the state board of education or state legislature would have passed a law or regulation requiring teachers to possess NBPTS certification after having taught a specified number of years.) The home schooler could say, "I am sorry, but that bill doesn't apply to us. I have this nice article here saying that Senator Dodd didn't mean to include us."

The bureaucrat would respond, "Too bad. I have a law right here, and it states 'a school providing elementary instruction.' You are one of those. Where's your certificate?"

An article written by the critic from the left provides us with no protection. Verbal assurances from Senator Dodd made to that critic could not be introduced as evidence in court. *The protective clause we obtained in S. 695 does provide protection and could be used in court.*

If the critic from the left had either done the legal research or talked with someone who had, it is likely he could have been convinced of the bill's potential danger to home schoolers lurking in the definitional sections.

Sally Mernissi at NBPTS commented to us that they had not been "sensitized" to home schoolers. They are now convinced that home schoolers are a much larger group than the NBPTS leadership ever realized, and they believe that we are well-organized, far better than most constituency groups.

We have now sensitized both the NBPTS and Capitol Hill to home schooling. One staffer for the democratic leadership of the education committee told me, "I hope home schoolers don't inundate us every time we have an education bill." I replied, "They won't as long as the bills are carefully written so that we aren't caught in unintentional traps."

One good thing has transpired from all of this — Jim Hunt has invited me to observe the next board meeting of the NBPTS. There is a strong possibility that I will be given permanent observer status. This is important because intentions change, especially here in Washington, D.C. where people change jobs frequently. We can have benign folks in office today; less friendly individuals could replace them tomorrow; or they could be replaced by people who have not been sensitized to home schooling at all.

HSLDA needs your prayers as we work not only to defend our member families in court, but also as we try to help state organizations with legislative efforts, as we attempt to unravel problems like the military ban on home schoolers, and as we attempt to monitor federal legislation for problems *intended* or *unintended*. We want always to be available to any home schooler who is concerned about an issue of public significance, and we will be happy to share any information and perspective we have gleaned through our research about an issue. We're here to serve.. □

Home School Legal Defense Association
Paeonian Springs, VA 22129
President: Michael P. Farris
Vice-President: J. Michael Smith
Editor: Christopher J. Klicka
Managing Editor: Inge D. Cannon

ADDRESS CORRECTION REQUESTED

Non-Profit Org.
U.S. Postage
PAID
Downers Grove, IL
Permit #146

The *Home School Court Report* is a service provided free to members of the Home School Legal Defense Association. The newsletter is published quarterly. Non-members may subscribe for a $10.00 annual fee.

THE HOME SCHOOL COURT REPORT

VOL. 6 NO. 3 WASHINGTON, D.C. SUMMER 1990

Inside...

Major Courtroom Victory in Rhode Island Testing Case 2
National Home Education Research Institute Founded 3
Suspicious Caller 3
1990 Home School Leadership Conference 4
Across the States 5
- Arizona 5
- California 5
- Colorado 5
- Florida 6
- Indiana 6
- Iowa 6
- Massachusetts 7
- North Carolina 7
- New Hampshire 8
- New Jersey 8
- Ohio 8
- South Carolina 8
- Tennessee 8

South Dakota Restricts Home Schooling With New Regulations 9
Wisconsin Home Schools Threatened 10
Michigan Conflict Continues 10
Virginia Makes Several Advances . 11
Early Intervention Programs 12
Upcoming HSLDA Speaking Engagements 13
Public Schools Not Liable for Sexual Assault By Teachers . 13
Beware of the Anonymous Letter Writer 14
National PTA Opposes Corporal Punishment in Schools 14
Workaholism Traced to School Days 14
Religious Americans Denied Equality 15
Meet Pat Ramirez 17
Staff Changes 17
Home School Student Lobbies With Her Life 17
Occupational Tax For Home Schoolers? 17
Should Mom Get a Job? 18
Congress Moves to Restore Religious Freedom 20

Crime Bill Likely to Pass With Dangerous Child Abuse Provisions

The political climate in Washington, D.C. is dominated by Congressmen scrambling for re-election. A major part of that scramble is a flurry of legislation which members of Congress believe must be passed prior to the elections to give their constituents what the voters want.

This year virtually all Congressmen are doing their best to appear to be tough on crime. Savings and Loan crimes, increasing the use of the death penalty, drug crimes, and other features of various legislation are favorite topics for this cycle of election year enactments.

Unfortunately, an expansive child abuse bill, which has dangerous potential for home schoolers and parents who follow traditional approaches to child rearing which include spanking, has been blended into the Omnibus Crime Bill.

The child abuse provision directly affects those on federal property and in facilities operated under federal contracts. This would include all families living on military bases. The definition of "child abuse" in the bill includes two extraordinarily broad terms: "maltreatment" and "neglect" of children. These terms are undefined in the bill. There is good reason to believe that spanking will be considered to be "maltreatment" of a child by *some* officials with responsibilities to report child abuse. The term "neglect" has a familiar ring for home schoolers in many states. This term is often employed to prosecute home schoolers for "educational neglect."

The Senate has already passed its version of the crime bill, S.1970. The child abuse provision was adopted by voice vote—a procedure reserved for "non-controversial" measures.

The House Judiciary Committee recently added a virtually identical child abuse provision to its crime bill, H.R.5269. Its sponsors include a number of conservatives who usually are staunchly pro-family. For example, Congressman Bill Dannemeyer(R-CA) co-sponsored and voted for this child abuse provision.

The reality is that we have no one in Congress who is politically available to champion our cause. Without a Congressman willing to lead the charge, it is politically impossible to succeed in an attack on this vague and dangerous child abuse provision.

The only hope we have is the defeat of the entire bill in the House. The political dispute which is most likely to lead to the defeat of the legislation centers on the death penalty. The Democratic death penalty provision is currently in the bill. Many Republicans oppose it as being too restrictive. Many liberals also oppose it because they oppose any form of capital punishment.

Republicans will attempt to modify the death penalty provision to their liking. If their amendments pass, the bill will probably pass. If their amendments fail, there is at least some chance the bill will fail.

Regarding the child abuse concerns which home schoolers have, there is no realistic potential that this issue alone will cause the defeat of the bill. If there is remaining controversy over the death penalty, additional calls and letters opposing the bill because the "child abuse provisions are too vaguely defined and are dangerous to traditional parenting practices" may help sway a few votes here and there.

Frankly, it looks very bleak. Prayer is our only realistic weapon at this stage. God still deals in miracles—even in Washington, D.C.

HSLDA Announces Free Achievement Tests For Members

Many home schooling families have a difficult time securing achievement tests for their children in order to comply with legal requirements or in order to fulfill the family's own educational goals. **HSLDA is pleased to announce that this school year its members will be able to obtain the Stanford Achievement Test from our office — FREE!**

This program will be administered by our affiliate organization, the National Center for Home Education. Families who are not members of HSLDA will be able to obtain tests through the National Center for $20 per student.

There are rules which we must follow to assure testing security and accuracy. These are explained in the next column.

This testing program is being launched in response to a decision by the Psychological Cor-

continued on page 2

EDITOR'S NOTE

God enabled us get through the 1989-90 school year successfully. Nearly two thousand negative legal contacts were handled by the HSLDA legal staff, not counting the thousands of calls for legal advice. All of the contacts have been resolved, and a number of cases have been won. Of course, some cases are still pending or climbing the appeal ladder. Child welfare contacts were especially intense and frequent this year compared to years past. Yet, the Lord's hand has continued to protect the home schoolers.

Now we are approaching a new school year with promises of several fierce legal and legislative battles already brewing. It seems that the price for the freedom to home school will demand eternal vigilance. We thank all of our members for their support and desire to have "solidarity" with home schoolers throughout the country. We depend on many home schoolers joining us who are not likely to get into trouble in order to give us the financial basis and ability to defend those who are faced with restrictive state laws or local public school policies.

The National Center for Home Education has made a successful impact at the national level and has enabled much important information concerning home schooling to be distributed on a monthly basis among the state home school leaders. In addition, the Center's weekly monitoring of newly introduced legislation has helped the state leaders catch harmful legislation. Mike Farris's and Inge Cannon's tireless efforts in running the National Center have made many of these gains possible.

Be sure to note our most recent service which will be offered free to HSLDA members: standardized tests and scoring. We hope this will be of benefit to all.

We want to thank members for sending in news articles concerning home schooling in their state. Please keep those articles coming since they help us to keep current with events in your state.

Lastly, thanks for all your prayers for my wife, Tracy. At present, her disease is in remission and her pregnancy has been normal. We pray that God will continue to keep the disease in remission in order to prevent complications with the baby who is due in November.

Chris Klicka

CORRECTION: In the spring issue of the *Home School Court Report*, on page 17, we mistakenly referred to the Council for National Policy instead of the actual organization, the Council of Foreign Relations.

Major Courtroom Victory In Rhode Island Testing Case

Three Rhode Island families have been vindicated by the Commissioner of Education in their attempt to retain control of their family's standardized testing program. In three separate decisions—all released during the first week of July. The Commissioner of Education ruled that the school district's demand that the students participate in the school's testing program violated the religious freedom of the families.

The three families involved are Jerry and Karen Thifault from the North Smithfield School District, Joseph and Colleen Gargano from the Exeter-West Greenwich Regional School District, and Maurice and Jeanine Gauvin from the Scituate School District.

Each of these families wanted to provide achievement testing for their children, but they refused to take their children to the public schools to be tested in the state program. Each family offered to employ a qualified person to administer a well-recognized standardized test in their own home.

Relying on a 1987 decision from the Commissioner, each of the school districts refused the families' alternative and demanded mandatory testing in the public schools.

These cases originated during the 1988-89 school year and required HSLDA's Mike Farris to travel to Rhode Island on at least five occasions for various hearings before the administrative law judge.

The Commissioner ruled that the school districts' demands violated the free exercise of religion for each of the families. The parents testified that relinquishing control of their children's program to the public schools violated their faith. The Commissioner held that this belief was entitled to Constitutional protection. The Commissioner also held that the parents' alternate programs were less restrictive alternatives which were adequate to satisfy the state's desire to have information concerning the achievement of the students.

The Commissioner's decision did require annual testing. One family had proposed testing less frequently.

In the 1987 decision, the Commissioner ruled that the school district was within its authority in demanding that the child be tested in the public school's program. However, it was noted in the 1990 decision that the 1987 case did not involve a religious freedom claim. The Constitutional claim resulted in a different ruling. □

New Testing Service continued from page 1...

poration which determined that it could no longer sell its tests to home school suppliers. The Psychological Corporation was concerned that these suppliers were not following adequate procedures to guarantee that the tests were being administered properly. This company owns both the Stanford Achievement Test (SAT) and the Metropolitan Achievement Test (MAT).

Mike Farris approached a representative of the test supplier to see if an alternative program could be worked out to assure the company of testing accuracy and security, while preserving access of the home schooling community to these tests. The result of those discussions is the program we announce today.

We do not want anyone to mistake this program for a blanket endorsement of standardized testing. Such testing is overused and is often misused. We do not support provisions of laws which call for compulsory testing of all home school children. We simply want to be able to provide such testing for those families who desire or need these tests for their children.

We do believe that a large number of our members will take advantage of this free testing, and we expect that some non-members will also participate. This will give us the opportunity to gather continuing information about the testing record of a very large number of home schoolers. This information is likely to be very helpful in legislatures and in court in our ongoing battle to portray an accurate picture of the effectiveness of home education.

How We Will Meet the Testing Standards

The National Center will be taking the following steps of action to ensure test security and integrity:

(1) Provide a series of training seminars throughout the United States to train test administrators. We hope to work through the state organizations to identify qualified trainers so that the seminars can be held conveniently and frequently. Trainers must have a minimum of a Master's Degree in education or a related field and substantial experience in standardized student testing. Potential test administrators need only have a Bachelor's Degree in any field to qualify for receiving the training. The training seminars will cover all the details usually contained in similar sessions for public school personnel un-

dertaking standardized testing programs.

(2) Provide a means for test administrators to certify their integrity in testing. Each test administrator will be required to sign a contract which, at a minimum, will provide an obligation to refrain from giving any test obtained from the National Center to his/her own children; an obligation to personally administer every test supplied by the National Center; and an obligation to refrain from giving any testing instrument obtained from the National Center to the parents of the student being tested or to the student other than in the course of the actual administration of the test.

(3) Arrange for official scoring services through The Psychological Corporation. The National Center will not distribute any answer keys to test administrators. All student answer keys and test booklets must be returned to the National Center within 30 days of the receipt of the instrument by the test administrator. Test results will be mailed directly to the parents of the students with a copy being provided to the test administrator.

How the Testing Program Will Work

If you decide you want your child(ren) to be tested with the Stanford Achievement Test, you will need to notify the National Center on the form which will be sent to you later in the fall. We will give you the names of qualified test administrators in your area. You will contact the one with whom you want to work and make arrangements for the test dates you desire. The administrator will then order the materials from the National Center, administer the test, and return it to the Center for scoring. We will send the test to The Psychological Corporation for computer scoring with the next batch of answer sheets. When the score reports are received, we will mail them to you.

Testing materials and scoring services will be made available to home schoolers at a fee of $20.00 per child. HSLDA members will receive the testing service at no cost to them. All recipients of the testing service materials and scoring will be responsible to work out appropriate fees for testing administration with their administrator.

If you wish to qualify as a test administrator or trainer of administrators, please indicate your desire in a written letter addressed to the National Center for Home Education, Attention: Testing Service. As soon as we are able to develop our schedule of seminars, we will make you aware of them in response to your letter. □

Notes For Members

Recently we have received new applications completed by families whose membership was still current. They believed they had to fill out a new application every year for membership with HSLDA.

It is not necessary or even desirable for you to do this. Filling out an application like ours should only have to be done once in a lifetime!

When you renew your membership from one year to the next, all you need to do is write your name and address on the renewal form which you should receive approximately six weeks before your renewal date.

If you do not receive your renewal notice at least thirty days in advance of when your membership will expire, please notify our office. We will send you one promptly.

Anytime you are planning to move, please forward to us an appropriate mailing address so we can continue to offer you uninterrupted service.

Additionally, we request that you identify yourself on all correspondence with the same name that appears on the label of this newsletter. □

National Home Education Research Institute Founded

Dr. Brian Ray has recently announced the founding of his new National Home Education Research Institute (NHERI). Dr. Ray is founder and editor of the *Home School Researcher*, an academic home education research journal and is a regular contributor to the *Teaching Home Magazine*. He has testified in court cases as an expert witness on behalf of many home schoolers and has been featured on national television in debates with public educators.

NHERI's purpose is to serve the home school community by studying issues crucial to home education and publicizing the results. The National Center for Home Education is pleased to work with Dr. Ray in this major breakthrough venture by commissioning a study of two thousand randomly selected home schooling families from the HSLDA membership roles. Evaluating the most thorough questionnaire of its kind, this study will provide information about reasons why families have chosen to home school, legal pressures they have experienced, curriculum and methods they have elected to use, testing results, socio-economic factors affecting their progress, and even the foundation for a longitudinal study which will trace the future successes of the students involved. We are anticipating a Congressional briefing in the fall when the results of this extensive study can be shared with key personnel on Capitol Hill.

NHERI's effort is being heralded by leaders in the home school movement as a much needed aspect of our work and ministry. J. Richard Fugate, President of Alpha-Omega Publications, states, "Truly objective quality research will be essential in defending home schoolers from the attack to come." Gregg Harris of Christian Life Workshops adds, "In the light of God's Word, sound educational research provides the foundation for effective home education. Dr. Ray has proven himself professionally and personally to be the man to head up such an important initiative." At HSLDA, we are convinced that ongoing quality home school research is essential for success in both the courts and the legislatures across our land.

Dr. Ray's interest in home education is personal as well as professional since he and his wife, Betsy, have been teaching their four children at home since they were born. For further information about NHERI and ways that you can support its important thrust, contact Dr. Ray at 25 West Cremona, Seattle, WA 98119. □

Suspicious Caller

In past publications from our office, we have reported on the continuing problem of home school families receiving telephone calls from a man posing as a new Christian seeking help on ways to discipline his children. He sometimes states he is conducting a survey on child discipline. He is very personable and leads the receivers of the calls to believe that they have mutual acquaintances, thereby putting them at ease and gaining more information. He begins by asking for recommended reading on child discipline and then asks how they think spanking should be done. This often leads to very personal and inappropriate questions about clothing worn during spanking, positions used, husbands spanking wives, etc. He usually uses the names of Michael Brown or Michael Anderson and has an obvious accent (possibly European or Australian).

He is still very active throughout the United States. We need you to warn your local churches (his primary source of names), Christian bookstores, and support groups to refuse to give out names of home school families or anyone else, to unknown callers—no matter how persuasive the caller may sound.

If you do receive a call from this man, PLEASE CALL OUR OFFICE IMMEDIATELY at (703) 882-3838 and ask for Michael Farris' assistant. If you find out that your name has been given to this man and you have not yet received a call, contact your local phone company and request that a tracer be put on your phone. Our office is attempting to locate an employee with AT & T, sympathetic to our situation, who will assist us in our efforts to have these calls traced through the AT & T system. If you know of someone like this, please let us know immediately. □

1990 Home School Leadership Conference

Home School leaders representing 21 state organizations attended a special Leadership Conference in California near Disneyland, July 16-18, 1990. The Conference, hosted by CHEA of California, provided a time of fellowship and mutual encouragement for all who attended.

A banquet opened the Conference on Monday evening, July 16. Following dinner the leaders were privileged to hear Bob Sweet, the newly appointed Administrator of the Office of Juvenile Justice and Delinquency Prevention, share how clearly he witnessed God's hand moving in the events leading to his confirmation. He expressed gratefulness for the prayers of God's people as he faced that difficult challenge.

Home School leaders listen attentively to a panel discussion on concerns of coalitions led by Clinton Birst of North Dakota

Bob Sweet, newly appointed to administrate the Department of Juvenile Justice, delivers the key note address

During the course of the Conference, a number of excellent speakers challenged the leaders.

- Gregg Harris, speaking on Ephesians 1:15, led the Tuesday morning devotional. He reminded those present that all too often we view our circumstances as a lack of "something" like time, money, or possessions. But, as this passage makes clear, what we really lack is the spirit of wisdom and revelation to understand what we do have! Christ did it *all* on the cross, and we have all things that pertain to life and godliness.

- Rob Gregory from Family News in Focus challenged the group to realize that we are involved in a battle of words; that ideas and philosophies are expressed in words. His address focused on the two areas of media with which home schoolers deal most: press releases and interviews. His advice was practical and to the point, and he provided many examples of both good strategies and poor ones.

- David Davidson was the noon speaker on Wednesday. He has been involved in politics on the state level for a number of years, and his message cautioned the leaders to realize that, as Christians, they tend to make a commitment to one party only. He warned that there is a vast difference between Conservative politics and Christian values, offering a vivid analogy of the American political scene as that of an ocean navigated by the leaky, creaky ship *Conservativism*. Watching the ship, however, one notices that there is a rope dangling over the bow which, upon further observation, is discovered to be a twenty-year long rope that is tied to the pirate ship *Liberalism*. It is important that this tie be broken by the grace of God and the courage of Christian leaders.

- Michael Farris closed the conference by calling the leaders to a serious consideration of what the future holds for the home schooling movement. Mr. Farris, citing the present scene in various "tough" states, stated that he believes more constraints will be placed on home schoolers and that the battle will not be won in our life time. In addition to the outside constraints, he believes that there will be internal controversy over such issues as Christian v. Secular groups, early v. late education, etc. In response to these obstacles, Mr. Farris challenged the leaders to be willing to work together with a "coalition" attitude, to covenant to support each other as brothers and sisters in Christ, and to face the tough times with courage. He concluded his challenge with this definition of courage: "Courage is not an absence of fear. Courage is doing what is right even when you have legitimate reason to be afraid." Joshua 1:6-9 was his final scriptural charge.

George Stroh of Nebraska moderates panel discussion re: Statewide Organizations. Pictured from left to right are Judge Kenneth Johnson (Indiana), Philip Troutt (California), Bill Ihde (Ohio), Claiborne Thornton (Tennessee), and Sharon Grimes (New York).

During the Conference, Denny and Mary Joyce Johnson from Minnesota ministered to the leaders through music. The theme of their music and of Mary Joyce's poetry is family life. Their love for their children and commitment to the family was warmly communicated.

Panel discussions punctuated the Conference with topics like "Hidden Dangers in Legislation," "Coalitions and Networking," and "Statewide Organizations." Workshops also provided a valuable time of sharing information and experience. CHEA offered a terrific line-up and did a super job of hosting the Conference. □

Across the States

Arizona: County Exceeds Home School Law With Affidavit

Maricopa county provided home-schooling families with a new affidavit to complete for the upcoming school year. The affidavit requests information which is not required by statute, such as home phone, school district of residence, birthdate, grade, name and address of former school, dates attended, home phone and alternate phone of the instructor, parent/guardian's summer address, tentative dates for summer residence, summer home phone, working parent, place of employment, and work phone.

Attorney J. Michael Smith corresponded on several occasions with school officials on behalf of our member families who had serious reservations regarding providing all this information. Member families were advised to use the previous form provided by the county or to complete the current form only as far as the law required. While it is our understanding that school authorities were concerned about our letters, home school families have not had further contact regarding their affidavits.

HSLDA's position in every state is that the law should be followed by those empowered with its enforcement. We do not decide the convictions of our members. We simply defend your convictions. Therefore, when you ask for our advice on whether you should comply with requirements imposed by school officials which are not required by law, we will inform you of the legal requirements. If you desire to comply with the law only, we defend that right. This position is not always well received by school officials, but we live in a country of laws. If home schoolers are expected to follow the law, why not school officials? □

California: School District Seeks Legal Opinion Re: Home Ed

After a turbulent beginning to the school year with several school districts asserting the position that they had the right to approve the curriculum of home schools which had filed a private school affidavit, the storms subsided in many school districts. However, HSLDA has been informed that the Los Angeles City School District has asked for an opinion from the State Department of Education's legal counsel regarding the legality of home education in California and the legality of the private school option as applied to home schools. School authorities became upset when families who were operating as private schools would not allow officials to come into homes to review the records kept by the "private schools." Los Angeles is also concerned with the satellite school approach to private schools and is asking for a legal opinion on this subject as well.

Attorney Smith of HSLDA resolved between seventy and eighty contacts during the past school year. The two most serious contacts occurred in the spring in Pasadena and Lancaster. A Pasadena family was summoned to a SARB hearing (Student Attendance Review Board). The family had established a private school in their home, but Sterling Williams, the truant officer, refused to recognize the school. He ultimately dropped the action when he learned that the husband had substituted as a teacher in the Pasadena School District. HSLDA does not know what may have motivated Mr. Williams to refuse to recognize our arguments regarding the legality of the home school program. Nor is it known what position Pasadena will take in the future.

The other contact was in Lancaster. The family withdrew their child from public school toward the end of the year and enrolled in a satellite/independent study program. The school district refused to recognize the authority of the private school to conduct a satellite/independent study program and ordered the family to appear before a SARB board for a hearing on truancy. The hearing was scheduled with only three days notice, and the family was unavailable. Attorney Smith informed the school officials that the family would not be able to attend and that a date convenient for the family and their lawyer would have to be selected. As of this date there has been no further contact from the public school. The school district was the West Side district, the same district which prosecuted a home school family in court several years ago.

Several member families in the Folsom-Cordova area have been contacted first in person and then by mail by a school official requesting to verify their affidavits. This was the same issue we battled at the beginning of the school year. HSLDA has been informed that a non-member family allowed the official to visit their home and view their curriculum and have been advised that they are not approved for home schooling. It may not be a coincidence that this school district is beginning an independent study program this year.

HSLDA's position continues to be that school officials do not have the authority to approve or disapprove a private/home school. The extent to which the public school can verify the affidavit is as follows: when a child is suspected to be truant, the school official has the authority to determine if the child is being instructed in a private school and whether the private school has filed a private school affidavit with the state pursuant to California Education Code § 33190. HSLDA continues to hold this position, and based upon the action of the Folsom school official, this is the only plausible position to take. It is anticipated that more public schools are going to attempt to use the verification tactic in the future. □

Colorado Update

A common source of contention in many school districts of Colorado is the issue of testing. This year HSLDA legal staff has had to handle dozens of situations where the superintendent attempted to require that testing of home school children be done only in public schools or that testing be administered by a licensed psychologist or certified teacher.

These superintendents, however, are exceeding the law in their attempts to regulate testing in this manner. The actual rule in Colorado is that parents can have their children tested anywhere, at anytime, by anybody. The only requirements are that the test must be given to children in grades 3, 5, 7, and 9 **and that the results must be at least in the 13 percentile**. Test scores must also be completed before the beginning of the next school year and sent to either the public school or a private school of the family's choice. In every instance involving an HSLDA member being pressured with overly restrictive testing requirements, the school district has retreated.

One other problem with testing is that parents who were certified teachers were being required to follow the standardized testing requirements in the home school law. Before the passage of the present home school law, home schoolers who were certified teachers did not have to do anything but send a copy of their certificates to their local school districts. HSLDA has stood by its position that any home schooler who is certified does not have to comply with the home school statute, especially in fulfilling testing requirements. This position was recently confirmed by a letter from the Silverton Public School which recognized that the Mesich family is exempt from all testing requirements since Linda Mesich, the mother, is a certified teacher. □

Florida: Faces New Challenges

In Florida, home schools have the option to operate under the home school law [§232.02(4)] or participate with groups of home schools to operate as private schools under chapter 623 or 617.

For those operating under the home school law, a new law was enacted that prohibits families who have "confirmed" child neglect on their records from home schooling. The problem with this procedure is that most active child abusers would have already had their children taken away from them. Thus, the new law will probably primarily affect innocent people who were the victims of overly aggressive social workers but did not have the means or representation to have their records cleared. This is especially alarming considering the large increase of investigations of home schoolers throughout the nation by social workers.

Concerning 623 schools, a new law passed this year which requires administrators to be fingerprinted. In addition, these schools, since they have private school status, are being notified that they must comply with radon inspections which can be extremely costly.

HSLDA has been advising members that the radon issue is much like the asbestos issue which home schools operating as private schools faced two years ago. When the federal government tried to enforce expensive asbestos inspections on home schools, HSLDA attorneys met with the EPA and convinced them to specifically exempt all home schools operating as private schools from asbestos requirements for regular private schools. The argument is that private schools in the home (with only the family's own children in attendance) do not need to follow any more stringent standards, whether for asbestos or radon, than any other home.

At this point, HSLDA is advising its members who are 623 or 617 administrators to write to the Office of Radiation Control, notifying them that their schools are non-conventional since the children enrolled in their schools do not attend their facilities on daily basis. Their exemption from the radon inspections has been confirmed by at least one health official who spoke to Jim Werner of Circle Christian School in Orlando.

Chris Klicka of HSLDA has prepared a memo outlining the legal basis for 623 and 617 schools. He is using it to convince local school districts and the state to recognize the legitimacy of these schools in response to various challenges. □

Chris and Tracy Klicka (right) join home school leaders in Illinois for ICHE Convention: (left to right) Ken and Jeri Sisson and Judy and David Cook.

Indiana: Case Resolved

Indiana is one of 12 states where home schools operate as private schools because the law does not specifically provide for home schooling. The major requirement for private schools is that they must offer "instruction equivalent to that given in the public schools." Since this language is vague, superintendents throughout Indiana often create their own arbitrary requirements for home schooling even though such requirements exceed their authority.

Earlier this year the Ballard family in Evansville withdrew their child from public school and one month later received a notice from their local school district that they must return the child to public school by the next day. The family contacted Attorney Chris Klicka of HSLDA, who immediately contacted the school district and explained that the family was fully legal since they were operating a private school in their home. Mr. Klicka also had the family send in a letter briefly describing the subjects they were covering and assuring the authorities that they were holding school for the appropriate number of days.

In response, the school district sent its policy on home schooling which required the family to submit: (1) student performance objectives, (2) the methods to achieve the performance objectives, (3) schedule for achieving each objective, (4) method of evaluation, the results of which must be reported periodically, and (5) demonstration that instructional time spent met the public school requirement of 300 minutes per day.

Since the Ballards did not comply with these unlawful requirements, even though they were in compliance with the law, the school district brought criminal charges against the family. HSLDA secured Attorney John Mark Vouga of Valparaiso to represent the family. Attorneys Klicka and Vouga strategized as how to get this case dismissed. Attorney Vouga was finally able to get the prosecutor to withdraw the charges at the end of a six-month period by agreeing to have the family submit a "release of responsibility form," an annual attendance report, and a list of textbooks.

Dozens of other school districts have tried to require visits, approve curriculums, and impose many other varieties of illegal demands on HSLDA members, but the HSLDA legal staff was able convince each school district to abandon these requirements, allowing the home schoolers to operate freely. □

Iowa: Case Awaits Assignment For Oral Argument

HSLDA's case in Iowa is pending assignment of oral argument on appeal. This case challenges certification requirements in light of the Iowa Constitution which requires a law enacted by the legislature to address a single subject and to give notice of what is in the proposed law in a preamble to the proposed legislation. HSLDA hopes to have a decision before the first of the year.

In the meantime, two Iowa families have had their summer vacations interrupted via contact from their school districts. The Rhineharts were contacted by the County Attorney with the notice that he would be filing charges for failure to send their children to public school. The family knew the County Attorney personally, and the tenor of the letter was almost apologetic. Michael Smith contacted the Attorney, asking him to delay his action until he reviewed the reasons which we would provide in a letter explaining why the family should not be prosecuted. Among the issues raised in Mr. Smith's letter was the fact that the legislature almost passed new regulations which would have removed the certificate requirement which was supported by the Department of Education. This is significant because previous court cases which ruled against private and home school students on the issue of certification were based upon the Department of Education's and Legislature's position that only certification could sufficiently protect the state's interest in education. The state has now admitted that something less could protect the state's interest; therefore, the present law is not the least restrictive means of achieving the state's interest. This admission makes the law unconstitutional. HSLDA is still awaiting the decision of the county.

The Alboughs received a notice that a

complaint had been filed in court indicating that they had not provided proper reports as required by Iowa Annotated Code § 299.4. The family had, in fact, provided the necessary report. The County Attorney agreed to dismiss the complaint if he could verify that the report had been filed and agreed not to require the family to appear until he could resolve the matter. HSLDA is still waiting to hear his response.

It is only by the grace of God that there have not been more cases in court in Iowa. HSLDA has five families in court at this time, but four are plaintiffs rather than defendants. It goes without saying that Iowa has the worst home school law in the country, and without the prayers of God's people things could be much worse in this state. The families and the home school situation in Iowa demand a steady prayer vigil. □

Massachusetts: Survives Another Year

Massachusetts is one of the most troublesome states in the country for home schooling. Since the compulsory attendance law is vague, each of the nearly 300 school districts in Massachusetts have arbitrarily created home school policies which they attempt to impose on home schoolers. Virtually every one of these policies differs from the other school districts. Oftentimes these policies change from year to year, so most home schoolers do not know what to expect as they begin each new year.

During the past school year, over 55 HSLDA families were harassed by school districts who were trying to enforce various restrictive policies. Many school districts imposed illegal requirements such as home visits, testing in the public schools only, testing four times a year, office visits four times a year, monthly progress reports, socialization requirements, and registration in the public schools. However, by God's grace each one of these situations was resolved without going to court through the efforts of Attorney Chris Klicka who co-ordinates legal representation in the state.

In one sense this has been the best year in Massachusetts for HSLDA members since this is the first year since 1985 that no HSLDA family was taken to court. However, in another sense, this has been the worst year for home schoolers because the home school policies have been the most restrictive we have ever experienced and the intimidation and harassment has been the more intense this year than ever before. There have been many more "close calls" this year than in prior years.

Furthermore, the *New Life Baptist Church Academy* v. *East Longmeadow* case, involving a Christian school that had successfully challenged the approval requirements of their school by the state, was reversed by First Circuit Federal Court of Appeals. This case was extremely helpful to home schoolers when it was won at the district court level. Michael Farris, president of HSLDA, was asked to appeal the case to the United States Supreme Court. This past spring the United States Supreme Court refused to take this case, leaving in place the negative First Circuit Court decision which protected the "right" of the state to approve or disapprove private and Christian schools.

Trouble is already brewing in numerous school districts, and HSLDA legal staff are counseling members in preparation for the 1990-91 school year. This year promises to be another year of increased harassment.

Nonetheless, in spite of the persecution, God has continued to protect home schoolers throughout Massachusetts. Since the battle for the right to train children according to God's principles is a spiritual battle, be sure to pray regularly for His protection.

As a way to keep informed on the legislative activities and other home school events in Massachusetts, contact Gary and Beverly Somogie, MASS HOPE, 15 Ohio St., Wilmington, MA 01887 (508) 658-8970. □

HSLDA President, Michael Farris, speaks to 500 home schoolers in Nebraska.

North Carolina: Tension Mounts Over Home Visits

In many ways, North Carolina's home school law is working well. However, the Division of Non-Public Education (DNPE) has been enforcing a policy of home visits, especially for "first year" home schoolers.

Although some of these home visits have gone smoothly, other have not. This past year, HSLDA received several reports from home schoolers where the person conducting the visit demanded to review curriculum, schedule of study, home school journal, and attendance records. In addition, some HSLDA families said that the officials insisted on inspecting the child's work area and in some instances, interviewing the children. Most of the time, the home visits occurred when standardized test results were not yet available.

Two HSLDA families recently declined to agree to home visits. After they were told by the DNPE that they must allow home visits, Chris Klicka of HSLDA wrote a letter to the authorities, explaining that the law did not give them authority to inspect homes. The law gives them the authority to inspect only the "testing records"; this can be done through the mail or through the front door. He explained that mandatory home visits were also a violation of the families' right to privacy and their Fourth Amendment right to be free from unreasonable searches and seizures.

Mr. Klicka also emphasized that the DNPE's policy to inspect and review records other than testing records exceeded the law. Nothing in the law gives the state the authority to review curriculum, schedules of study, home school journals, or attendance records as is commonly practiced.

Another area that was addressed was the DNPE policy which required test results to be submitted by April 15 or else the family's home school status would be terminated.

Rod Helder of the DNPE responded to Attorney Klicka and conceded several areas. He stated that his office has no statutory authority to "penalize a home school which does not maintain a journal, daily log, lesson plan book, or written daily schedule of classes." He also said that they have no authority to "approve or disapprove curriculums, textbooks, teacher texts, etc. of home schools." However, he still insisted that they have the right to inspect attendance and immunization records.

Concerning the April 15 deadline for sending in test scores, Mr. Helder explained that this is only a "recommendation." He further stated, "by statute, a home schooler may test anytime he wishes during the year." He also said he agreed with Mr. Klicka's summation that ". . . a home schooler can legally have anyone administer the test, use any standardized test, administer the test anytime and anywhere."

Finally, regarding home visits, Mr. Helder would not agree that they were illegal or unconstitutional. However, he said the DNPE was changing its policy for the 1990-91 school year. Now, "first year" home schoolers could avoid home visits by voluntarily meeting with a state

official at one of the nineteen or more "regional record review locations." Second year or older home schoolers can avoid home visits if they either voluntarily participate in the "inspection by mail program" or attend one of the regional meetings to have their records inspected.

In conclusion, the HSLDA "first year" home schoolers who did not want home visits this past year were left alone entirely! Many of the other problems home schoolers were facing were also resolved. The only unresolved issues remaining are required attendance at the regional meetings for "first year" home schoolers and the excess records (beyond merely the statutory authorized testing records) that the DNPE wants to review.

HSLDA will continue to work with the state to achieve a satisfactory resolution. □

New Hampshire: Two Cheers For The Legislature

A significant event in the history of home education occurred this summer in the "live free or die" state. The legislature recognized home schooling for the first time by passing a favorable home education law, thus the reason for two cheers. The law will not become effective until July 1991; thus, the old regulations still apply for one more year.

One of the unique features of the new law is the option that allows each home schooler to give notice of their intent to home educate to a private school and then work with that private school to provide an academic evaluation at the end of the school year. Five options for evaluation are described in the new regulation. Additionally, there is no specific teacher qualification requirement. The main benefit of the legislation is that all home schoolers will have to be treated equally. The new law provides due process protections in that hearings are provided where adverse decisions are made in reference to the home schooler. □

New Jersey: Two School Districts Exceed Legitimate Inquiry

Two different school districts contacted HSLDA member families requiring information and assurances which exceeded statutory requirements. A Montvale family was requested to submit background information regarding teacher qualifications in order to evaluate "equivalency of instruction." HSLDA attorney J. Michael Smith corresponded with school officials, citing the *Massa* case wherein the court ruled that "equivalent" requires only a demonstration of academic equivalency, not equivalency of social development derived from a group education, nor teaching ability (education level) and techniques.

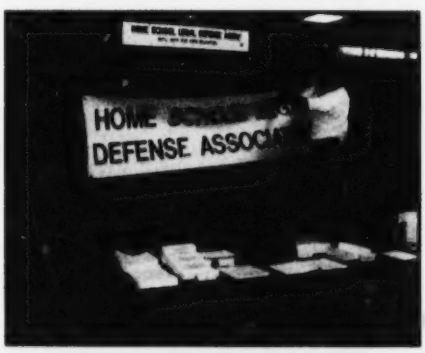
At this time no further requests for information have been made of the family, and the school board has "approved" their right to teach at home based upon their presentation. However, the school board did contact an attorney to give them an opinion on what they could require of the family. The attorney informed them that the family had to provide the information because the *Massa* case was no longer the law. He based his opinion on the enactment in 1975 of a sweeping education act which was intended to ensure adequate education for all students attending public schools. The attorney is arguing that this law has superseded the *Massa* decision. Michael Smith will continue to argue that principles laid down in the *Massa* decision are the law. The New Jersey Department of Education has supported this position also as late as 1983.

More recently, a family in Neptune received forms from their school district, requiring them to submit daily schedules and to agree to testing in order to assure the school district that their children are receiving an equivalent education. HSLDA responded on behalf of the family indicating that the requested evidence of equivalent education goes beyond the law because "quality of instruction and outcome" exceeds "equivalency of curriculum content." HSLDA is awaiting a response from this school district as well. □

Ohio: New Guidelines Were Successful

The first year under the new regulations has seen a successful transition. At the beginning of the school year it was necessary to correspond with a number of school districts which were still operating under the old regulations or believed the new regulations were only the minimum that could be required of home schoolers. However, no serious contacts resulted, and many situations resolved themselves by God's grace. The hard work of many state leaders made this a reality, and they are to be applauded.

HSLDA expects that additional confusion will arise with the evaluations submitted with the notice of intent for the next school year. However, the regulations are clear regarding the jurisdiction of the superintendent, and we will continue to urge that the regulations are followed by the superintendents. Since home schoolers are complying with the law, superintendents must be held to the same standard. □



Chuck Hurst and Inge Cannon put finishing touches on HSLDA Display at Bob Jones University H.E.L.P. Conference, which was attended by over 900 families.

South Carolina: EEE Challenge To Be Tried This Fall

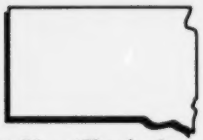
The lawsuit testing the validity of the EEE teacher qualification examination which the State Board of Education requires of parents who don't have college degrees has been scheduled for trial on September 10-13 in Richland County before the Court of Common Pleas. Much preparation has gone into this challenge, and its outcome is very important for both South Carolina and neighboring states who are watching closely to determine if they want to implement a similar testing program. Pray for God's blessing during the courtroom procedures. □

Tennessee: Setback

On August 10, 1990, Judge Kilcrease ruled against HSLDA in Crites v. Williams. HSLDA president Michael Farris and attorney Larry Crain of Brentwood had argued that the Tennessee requirement, that all home school parents with high school children must have a baccalaureate degree, is unconstitutional especially in light of the practice by the Commissioner of Education to refuse to grant statutory waivers to all such families.

The Court ruled that a baccalaureate degree is the only certain acceptable proof of teacher competency and refused tocknowledge previous years of the home schooling student's excellent academic performance as proof that the parents are competent teachers. In a separate issue, the Court also upheld the August 1 deadline against HSLDA families who started home schooling during the school year.

Farris and Crain believe this may spur the legislature to alter the law to clarify their intent in providing an exemption from the baccalaureate requirement. Meanwhile, the HSLDA families will continue to home school while HSLDA appeals this decision to the Tennessee Court of Appeals. □



South Dakota Restricts Home Schooling With New Regulations

● New "Equivalency" Policies

Two rules announced by the State Department of Education and Cultural Affairs have tightened the restrictions on South Dakota home schoolers. In the name of "provid[ing] a spirit of cooperation," the Department of Education proposed this spring to seek the voluntary participation of local school districts in the business of visiting the homes where alternative instruction is taking place. No allowance has been made for the participation of home schoolers to be voluntary.

For several years the Department has visited home schools under a state statute which authorizes home visits: "The superintendent of education or his designee may visit any alternative education program at reasonable times during the school year." The term superintendent of education refers to the chief officer of the state department of education, and his designees may not include local superintendents. In years past the Department of Education has sent three people throughout the state to visit the alternative instruction programs, but the growth in the number of home schools has overloaded the Department's capacity to visit them all.

Now that the Department is turning to local school districts for manpower, the practice of visiting homes holds new dangers of misuse. Some of the local district personnel will have inaccurate ideas about what home schools are like, and the majority of them will be less familiar with home schooling than the Department's full-time visitors had become. This development has increased home schoolers' concerns about erosion of the Constitutional protection of the right of parents to be their children's teachers and the right of citizens to the privacy of their homes—to be secure in their houses from unreasonable searches. HSLDA's opinion is that the statute blatantly violates both federal and state constitutions.

The second rule adopted this year involves the Department of Education's interpretation of the statute's "equivalent period of time" requirement: home schools must teach 800 minutes of language arts per week and 250 minutes of math per week. These are the same minimum time requirements governing grades 1 through 3 in public schools. This translates into an average of three and one-half hours each day.

Many parents find it unnecessary and sometimes counterproductive to keep formal schoolwork going for three hours daily when a child is in the early elementary grades. Even some whose school days run three and one-half hours ask where to fit in required courses like federal and state constitutions, the free enterprise system, and patriotism, plus standard courses like history, science, and health if three and one-half hours must be spent exclusively on math and language arts.

The two rules combined pose serious problems. Assuming an agent of the state education department is allowed entry into a home, will she consider the parents' answer to be honest if they include in the 800 minutes of language arts the time accumulated while playing a vocabulary game as a family or having children read the Bible aloud for family devotions in the evening? Will the home visitor be willing to count activities such as laying floor tile, measuring where to cut boards for a bookcase, learning units of measurement while baking, evaluating price comparisons while shopping, and checking grocery purchases to keep them within the family budget as math instruction?

One of the officials at the State Department has offered the assurance that time counts, even if it was not spent sitting at a desk with an open book. The very application of time requirements for conventional classroom instruction to the tutor-pupil context of home instruction, however, manifests a lack of understanding of the home school's propensity for covering more material than a conventional class can given during the same period of time. The inefficiencies involved in the mass production approach to education result in the allotted time being spent on activities other than instruction and studying. Therefore, home schools are capable of providing equivalent instruction time in a much shorter period. No one knows how much instructional time the public schools accomplish within the period counted as instructional time. This assessment will vary from class to class and school to school. It will be difficult for the department of education to give the term "equivalent" a value of minutes and hours.

One of the officials at the State Department has offered the assurance that time counts — even if it was not spent sitting at a desk with an open book.

The same official apparently realizes some of the complications that accompany the attempt to superimpose the public school requirements on home instruction. Though public school grades 4 through 12 must hold math and language arts classes for a total of 1500 minutes (25 hours) per week, indications are that the Department wants to apply the minimum time standards for public grades 1 through 3 to all grades of home schooling. How public schools accommodate all the other courses after spending five hours a day on math and language arts is unknown. Whether this rule is, in fact, followed in public schools anywhere is worth investigating.

● New Amendment to Compulsory Attendance Law

The 1990 South Dakota Code reflects a change in compulsory age requirements. §13-27-1 no longer says that parents must cause their children to attend school until the child "shall have completed the first eight grades, or" turns 16. It now requires attendance until the age of 16.

The statute still reads, "shall cause the child to . . . attend some public or nonpublic *elementary* school." Strictly speaking, the statute has outlawed high school attendance until one passes his sixteenth birthday. A student would have to obtain an excuse in order to attend high school before age 16 if the enforcement of this statute is to be faithful to its language. However, this mistake is of no help in dealing with the compulsory attendance authorities unless you want your fifteen-year-old in elementary school instead of high school.

§13-27-1.1 was also added to the code to exempt children from mandatory attendance after eighth grade if the parents are members of a recognized church or denomination that objects to regular public high school education and if the church (individually or in cooperation with other churches) provides a regularly supervised program of instruction in which each child participates in learning activities appropriate to the occupation that the child is likely to assume in later years.

Bruce Staffel of Mission City Television in San Antonio, Texas interviews Michael Farris for a new 30-minute home schooling video to be released this year. The tape is designed to orient legislators, grandparents, neighbors, and school officials to home education.

Wisconsin Home Schools Threatened

In 1983, due to a court case which ruled their compulsory attendance law unconstitutionally vague (*Wisconsin* v. *Popanz*), the Wisconsin legislature enacted a home school law which specifically protects the right of parents to teach their children. HSLDA considers this law to be a model piece of legislation, and we have referred to the law frequently as an example of an ideal home school law when testifying before other state legislatures. In Wisconsin home schoolers need to file an annual notice of intent, promising they will teach six core subjects for 875 hours a year. There is no monitoring of any kind.

This year, however, home schools have been under fierce attack by the State Superintendent Herbert Grover. Testifying before a state commission, he suggested that many students now learning at home are not being properly taught. He indicated that thousands of children were not being educated, (*Milwaukee Sentinel*, June 7, 1990). According to the *Milwaukee Journal*, June 7, 1990, Superintendent Grover said that home schools should be required to "meet all the expectations of the public schools. These children are neglected and abused. That is wrong." In later hearings Mr. Grover has carried around a folder which he claimed is filled with documentation of child abuse and academic problems among home schoolers. However, he continually refuses to let anybody see the documentation.

As a result of his pressure, the Wisconsin Legislature has begun to re-examine the home school law. A legislative council made up of eight legislators, five public school officials, four home schoolers, and one private school representative has begun to meet for this purpose. Steve Rovics, a home school leader from Juneau is serving on the council.

At their first meeting in August, Mr. Rovics had the opportunity to minimize the testimony of a state Department of Education official who claimed home schoolers were not doing well academically and were not prepared for college. While the official was talking, Mr. Rovics distributed two handouts prepared by Chris Klicka of HSLDA which document the tremendous success of home schoolers based on a number of studies analyzing their standardized test scores and list the numerous colleges throughout the country that have accepted home school students. As a result, one legislator stood up and asked why the state superintendent was making these unsubstantiated claims against the home schoolers when there is no real evidence anything is wrong.

Attorney Klicka was recently invited to Milwakee where he spoke to a gathering of home school leaders about national developments and the controversy brewing in Wisconsin. Mr. Klicka has been requested to return to Wisconsin to testify before the legislative council within the next two months. □

Michigan Conflict Continues

Home schoolers in Michigan are harassed in a greater numbers than in any other state in the country. Over 300 families this past year were threatened with truancy or child welfare actions.

In the last two weeks of the school year alone, four HSLDA families were charged with child neglect because of their home schooling. The cases occurred in Flint, St. Claire, Midland, and Wayne Counties. Through negotiation with the probate court, Attorney Klicka of HSLDA was able to have the charges withdrawn for the Wayne County and Midland families. Attorney Dave Kallman of Lansing was able to get the charges withdrawn for the family in Flint after several meetings with the prosecutor. Charges against the family in St. Claire were withdrawn after Mr. Klicka talked with the prosecutor, opening the way for the home school father, who worked at the court house, to negotiate a resolution.

The *DeJonge/Bennett case*, meanwhile, is still pending before the Michigan Court of Appeals. HSLDA recently called the court clerk's office and was told the court's decision should be handed down in August or September. Please pray that the Michigan Supreme Court will decide to take the case and resolve the teacher certification issue one and for all.

Finally, there has been a new flood of non-public school forms sent to hundreds of HSLDA members throughout Michigan. HSLDA is advising all members, who have filed pursuant to the Third Party Reporting Procedure, to repeat what they did last year as a response to the State Department of Education. HSLDA's legal staff is counseling its members, therefore, to write on the form, "We have previously filed pursuant to the Third Party Reporting Procedure and are therefore already legally in compliance." As a result, the family need not fill out the rest of the form. The family can also attach a copy of the first page of their "Third Party" form. If the families hear back from the state and there is a problem, they should immediately call HSLDA. □

Alabama News

Alabama home schoolers need to be aware that Paul Hubbert, Democratic candidate for Governor, testified against good home schooling legislation and supported teacher certification requirements for all home schoolers while he was working with the AEA (the Teachers Union).

Virginia Makes Several Advances

● Testing Problems

By August 1 of each year, home schoolers are required to submit either the results of a standardized test demonstrating the home school child has achieved a composite score no lower than the 40th percentile or another assessment showing adequate progress. Some home schoolers this year made the mistake of having their children tested in the public schools. This can be a mistake for two reasons. First, studies have verified that students perform better on standardized achievement tests when they are tested in their own learning environments.

Second, if a child has a "bad day" and consequently does not score at the 40th percentile, the school district has the scores already in their possession. The home-schooled child has no opportunity to retake the test or have an evaluation performed which would show progress. The very right to home school is then at stake. The best option for home schoolers, therefore, is to avoid public school testing altogether and only use private means.

Another problem arose at the end of the year with families who had their child evaluated by a third person. Some of these families waited until a few days before August 1 to have their child(ren) evaluated and the assessments were not completed in time. Other families secured evaluators early in the summer, but the evaluators did not send them the evaluations until a few days before the August 1 deadline. The evaluations were then discovered to be incomplete or improperly done, resulting in a panic for the families who had only a few days to have the assessments corrected or re-done.

In order to avoid this situation, home schoolers should make their arrangements for an evaluation to be completed no later than the beginning of July so that they will have plenty of time to resolve with any problems.

Also HSLDA has done some investigating and has found that all third grade home school children who took the Iowa Basic Skills test or the Tests of Achievement Proficiency **in the public schools this spring,** had their results **improperly** calculated in the areas of Math Problem Solving and Reference Skills. This resulted in lower test scores. Please contact HSLDA if your third grader fits this category, especially if he scored below the 40th percentile as a result. HSLDA is presently trying to reverse several denials of 3rd grade home schoolers who scored below the 40th percentile by challenging the faulty scores.

HSLDA would like to help families locate dependable evaluators. Please send us any information you have about individuals who are willing to do evaluations for home school families. Include names, addresses, phone numbers, and qualifications of the person. Address your letter to the attention of Ruth Ritchey. We would also appreciate names of any special education teachers who are willing to help home schoolers with special needs or learning disabilities. These names will be added to a list which we will make available to our members who need help with "special needs" children. Thank you!

● Annual Notice of Intent

Some HSLDA members are told by their school districts that they must submit their notice of intent by August 1. This is incorrect information because the statute allows time until the "end of August"—August 31.

Furthermore, some school districts insist that home schoolers must sign and fill out a specific notice of intent form. This is also incorrect since the statute does not require that any particular form be used. A family is free to write the same information in a letter format. Writing a letter may actually be to the home schooler's advantage because there are so many varying forms which have been drafted by local school districts. Some of those forms, once signed, state that the home schooler must follow the local school district's policies, many of which contradict and exceed the law.

● Compulsory Attendance Age Clarification

The official compulsory attendance age for children in Virginia is five years. However, if a parent sends a letter to their local school board indicating that the family has elected not to send their children to school for another year, the child who has not turned age six by September 30, is automatically exempted from compulsory attendance for one more year. [See Virginia Code §22.1-256(A)(2).] This means, of course, that a family with a five-year-old does not have to file a notice of intent or have their child tested for another year.

● GED Testing Breakthrough

Last year legislation was passed, primarily through the efforts of HEAV, which allowed the Board of Education to establish a program whereby home school children could take the GED test, beginning at age 15. [See Virginia Code §22.1-254.2.]

Since then, the Board of Education has refused to implement any specific program, leaving GED testing to the discretion of each local school district. As a result, many HSLDA members' children were denied the opportunity to take a GED test because their local school districts would not allow it.

Chris Klicka, Senior Counsel of HSLDA, and Will Shaw of HEAV met with several GED state officials on May 16, 1990 in an attempt to convince the state to develop a specific program for GED testing. Klicka and Shaw then wrote letters to the Secretary of Education who sent the issue to the new State Superintendent. The superintendent, in turn, transferred it to Charles Finley, Associate Director of Proprietary Schools.

Mr. Finley drafted guidelines in the form of a State Superintendent Memo and sent the draft to HSLDA and HEAV for their review. Attorney Klicka faxed him some new language to replace the language which gave the local superintendents unlimited discretion in allowing or denying children the opportunity take the GED.

The language Mr. Klicka submitted was accepted. It states that a home school child has the right to sit for the GED provided the family is in compliance with §22.1-254.1 or exempted pursuant to §22.1-257 and provides evidence of one of the following:

"1) results of a nationally standardized achievement test for the 10th grade level with a composite score of the 40th percentile or above; 2) the results of an evaluation or assessment, which in the judgment of the division superintendent indicates that the child has attained a minimum educational level of at least the 10th grade; or 3) written verification or official transcript from an approved correspondence school that the child has completed the educational requirements for the 10th grade level."

All other GED regulations apply. This breakthrough is important because home school children who pass the GED test will be exempt from the compulsory attendance law which otherwise requires them to be schooled until age 18. To God be the glory!

● Religious Exemption News

After a silent period of almost two years, Loudoun County finally granted five HSLDA families religious exemptions. The Blessing family in Amelia and the Dyke family in Gloucester were also granted religious exemptions.

The religious exemption cases from Prince William County were appealed to the Court of Appeals and consolidated under one case name: *Johnson and Morgan* v. *Prince William County School Board*. Attorney Klicka recently rebuffed an attempt by the opposing counsel to have the case dismissed on technical grounds. The Court of Appeals has decided to transfer the case to the Supreme Court of Virginia. HSLDA is waiting to see if the Court will take the case since it is within their discretion. Please pray for this case and for the Johnson and Morgan families.

Early Intervention Programs Threaten the Life of the Traditional Family

Programs designed to identify children who are "at risk" for child abuse are cropping up in various states. A recent Associated Press article reports that "Hawaii is trying to fight child abuse with an ambitious program designed to screen every new parent for the potential to commit domestic violence and offer counseling to those at risk.

"The Healthy Start program presently reaches 60 percent of Hawaii's new parents, and the state hopes to be screening nearly every new parent by 1992. Those judged at risk are offered five years of home visits and counseling on economic and emotional problems that can lead to child abuse." The article goes on to describe that seven agencies of government are cooperating to supervise this venture which deals with the family "in all aspects of family life."

The Ohio Legislature proposed an extensive "early intervention" program this summer in its H.B.746, a particularly dangerous piece of legislation because it calls for cooperation between several agencies of government whenever a family is reported for possible abuse or negligence. Even anonymous phone calls questioning a family's values could begin the referral process.

The stated goal of Bill 746 is a "continuum of care and services for children and their families from birth." This would be accomplished through the lead of the Department of Health in conjunction with the Department of Human Services, the Department of Education (including 89 Ohio school superintendents), and a host of other major state agencies operating at county and local levels.

Substitute House Bill 746 is riddled with the notion that various public and private groups and government agencies can best determine what health and education services are best for children. This bill calls for a statewide assessment of the needs of children and their families and includes a mechanism for tracking the movement of a child and family from one source of intervention to another.

Webster defines intervention as "interference, usually by force: to become a third party to a legal proceeding for the protection of an alleged interest." In H.B.746, intervention is defined as the identification, evaluation, assessment, and development of a family service plan which includes agency goals for the child and family. Other services include, but are not limited to, special education, social work, nutrition, therapy, psychological services, medical diagnosis and evaluation, health services necessary to enable the child to benefit from other intervention, family training, counseling, home visits, and much more. Accordingly, when a child is referred to an agency for intervention, an evaluation (which may include one or more home visits) shall be done to determine if the child fits into one of these categories:

- **Developmental Delay** is the failure of a child to reach developmental milestones for his age in the areas of self-help skills, physical, cognitive, language, speech, sensory, or psychosocial development.

- **Children at Established Risk** are those with a developmental delay, medical disorder or condition that has a high probability of developmental delay.

- **Children at Biological Risk** are those with a history of events that may have affected the development of the nervous system. This encompasses the time between 28 weeks gestation through 28 days after birth.

- **Children at Environmental Risk** are those whose environmental experiences have limited their development.

When a child is evaluated and it is determined that no further assessment is needed but, nonetheless, the child may "benefit" from other services, the child will be referred to another provider for another evaluation. Moreover, when a child is evaluated and it is determined that the child does not need further assessment but, nonetheless, it is believed that the child should be monitored, the child will be referred for periodic evaluation. The ultimate result is an endless merry-go-round of evaluations and assessments.

The definition of parent in H.B.746 is "either a parent, guardian, individual with legal custody, parent surrogate, or guardian ad litem of a child acting as the parent surrogate." Although consent for intervention must be given by a "parent" there are "parents" or agents whose decisions override the decisions of the real parents. This bill defines a family as a child and at least one other individual who assumes obligations as primary care giver (editor's note: the Department of Health).

"If applicable," the parent (depending upon the definition of parent) will be given notice of the right to refuse intervention and the consequence of refusing. The original bill spelled out the consequence as neglect or child endangerment charges. In addition, the "parent" will be given notice of his/her right to an attorney at all stages of the program.

Ohio is presently spending over $200 million for intervention in Medicaid appropriations. In addition, the Department of Health is receiving $3 million in federal funding for planning and implementation of intervention. Ohio must pass legislation mandating intervention in order to continue receiving federal support. Unless the General Assembly passes legislation this year, the $3 million in federal funding could be lost or saved, depending on financial perspective. This type of financial motivation from the federal coffers will cause other states to follow suit with similar laws.

People are being told that this bill proposes a completely voluntary program—but until the lan-

MISS PEACH MELL LAZARUS
I'M TAKING THIS CUTE FROG HOME WITH ME!
ARTHUR, YOU CAN'T TAKE A POOR, HELPLESS CREATURE OUT OF ITS NATURAL HABITAT!
THEY DID IT TO ME...
8-26
MEL LAZARUS

guage is corrected, it is not! Nor does it state that parents may remove their children from the program once they have begun. What happens when a parent decides that a child no longer needs the "care and services" of the "experts" but the experts disagree? The bill states that intervention shall continue during resolution of disputes, unless the state, other agencies and the parents all agree to discontinue.

Parents in Missouri have been charged with neglect for failing to follow the advice of the "experts" in their "voluntary" program. People are also being told that this bill applies only to handicapped children—but until the language is corrected, it does not! Even so, why should those families be stripped of the parental rights to determine health and education plans for their children?

HSLDA attorney, Michael Farris, says, "The language in this bill will lead to the virtual eradication of the traditional family in Ohio. This current version is seriously out of balance and will lead to serious infringement upon the rights of parents."

Nationally, there is a definite intent to lower the compulsory school age to three. Passage of this bill would be another step in that process. Once a bill such as Substitute House Bill 746 has gained widespread support, it can then be made mandatory. The bill calls for "improvement and expansion" of intervention with the goal of all services being available on a twelve month basis. Of all the state agencies involved, only public schools do not already operate on a twelve month basis.

Passage of Substitute House Bill 746 would empower the state to intervene into the rearing of children from the moment of birth. It also would advance the idea that the state is the ultimate guardian of our children.

H.B.746 passed the Ohio House of Representatives on April 5, 1990 and has now been referred to the Senate Finance Committee. We are prayerful that the Committee will run out of time to hear the bill in time for a floor vote prior to November of this year.

We share this detailed information about the bill with you so that you might be alert to similar goals and language as they are expressed by legislators and lobbyists in your own state. Early intervention bills do not allow for home school exemptions in the language; thus, it is important to make consistent appeals that such child abuse systems can be seriously misused by persons with unrelated or unjustified complaints. Laws need to be written in such a way that government intervention will be limited to those cases which are true instances of child abuse. Legislation which is out of balance will lead to serious infringements upon the rights of parents who are raising their children properly but who may be perceived by others as different from themselves. Families should not have to undergo the trauma and expense of investigations simply because they are different. □

Upcoming HSLDA Speaking Engagements

Listed below are the conferences where HSLDA staff will be speaking. We encourage home schoolers to attend these conferences for fellowship, teaching tips, and legal and legislative strategies. Please contact us if you are interested in obtaining an HSLDA speaker.

Delaware State Home School Conference
August 18 — Wilmington, DE
Michael P. Farris
Contact: Ken Klein
(302) 998-6194

Illinois Home School Workshop (Gregg Harris)
September 7-8 — Chicago, IL
Christopher J. Klicka
Contact: Jan Arduini
(708) 628-6922

Regional Conference of Christian Home Educators (Gregg Harris)
September 14-15 — Denver, CO
Michael P. Farris
Contact: Kim Jost
(303) 670-1491

Virginia Home School Workshop (Gregg Harris)
September 28-29 — Fairfax, VA
Christopher J. Klicka
Contact: Mary Ellen Tedrow
(703) 430-9544

Indiana Home School Workshop (Gregg Harris)
October 5-6 — Indianapolis, IN
Christopher J. Klicka
Contact: Joyce Johnson
(317) 576-9376

Advanced Home School Workshop (Gregg Harris)
October 12-13 — San Jose, CA
J. Michael Smith
Contact: Kathy Means
(415) 965-2594

Regional Conference of Christian Home Educators (Gregg Harris)
October 19-20 — Detroit, MI
Michael P. Farris
Contact: Alfred Thomas
(313) 864-7248

Regional Conference of Christian Home Educators (Gregg Harris)
October 26-27 — St. Louis, MO
Michael P. Farris
Contact: Al Gingerich
(314) 528-5724

West Virginia Home School Workshop (Gregg Harris)
November 9-10 — Charleston, WV
J. Michael Smith
Contact: Penny Fox
(304) 462-8296

Wisconsin Home School Workshop (Gregg Harris)
November 16-17 — Milwaukee, WI
Christopher J. Klicka
Contact: Jan Gnacinski
(414) 637-5121

Public Schools Not Liable for Sexual Assault By Teachers

Kindergarten is supposed to be a happy and carefree time in the public schools where rosy-cheeked youngsters receive milk and cookies from their teachers. That image is far different from reality.

A November 1989 decision by the California Court of Appeals brings the harshest edge of reality into clear focus. In the case of *Kimberly M.* v. *Los Angeles Unified School District*, the court ruled that the school district was not liable for the act of a kindergarten teacher who had sexually assaulted a five-year old girl. The attacker was a female teacher who performed lesbian acts on the girl.

The Court of Appeals clearly indicated that it wished to reach a different ruling but felt its hands were tied by a recent decision of the California Supreme Court. One judge wrote:

> In *John R.* [the prior case], the Supreme Court announced an extraordinarily broad rule—essentially that for policy reasons school districts are not liable under respondeat superior for acts of sexual abuse their teachers may commit against students. Under the rule as formulated it makes no difference how much authority the teacher wields over the student, how vulnerable the student is, or where the abuse occurs.

Those who argue that home schooling should be banned or regulated because of the potential for child abuse ought to read this case. In the public schools "open season" has been declared upon children—at least in terms of whether the school district bears any responsibility! □

Beware of the Anonymous Letter Writer

He (or she) is the truant officer of your local school district. One morning the mail includes a special letter in it about you! If you could read it, you would notice immediately that it was sent anonymously by one of your neighbors and that the situation it describes is grossly exaggerated with several of the details being entirely fabricated. A sample appears below.

February 30, 1990

Truancy Officer
ABC Public School District
12345 Sesame Street
Anywhere, State 67890

Dear Sir:

I am a concerned citizen who values education for myself and for others. This letter is written with the best of intentions.

Living in the home of Steven Zealot and his wife, Anna, at 777 Homeschool Blvd., Anywhere, State, 67890, are three children who do not attend school. There are two boys, whose approximate ages are 12-13 and 10-11, and a girl, about 8 years.

These children are allowed outside their home until 8:00 a.m.; at that time, they are required to go into the house until about 3:00 p.m. Some people believe that this practice is intentional to outwit the school authorities.

The children's mother reportedly claims to be a licensed teacher with permission to teach her children at home. However, she apparently spends little time at home. If she does have the legal right to educate her children, it appears that not much teaching is being done.

I believe the above is all truthful.

To indulge in speculation: Someone has suggested that the children, since they are being virtually "hidden," could be kidnapped, the object of custody battles, etc. . . . Many possibilities exist.

However, I (and other interested persons) request that the "educational situation" of the three young children be investigated by the SBISD so that the children's future be protected as much as possible.

Thank you for your attention to this important matter.

A SINCERE, CONCERNED CITIZEN

cc. Superintendent of Schools

The text of this letter (with a few adjustments to protect the identity of the people involved) was actually sent to a truant officer to "turn in" an HSLDA member family. It is important to be aware of the possibility of such letters and to pray consistently for the Lord's protection in this area. Be alert to appropriate ministry opportunities with neighbors so that the "hidden" and "secret intrigue" of your actions do not tempt people to suspect you. Ask the Lord for wisdom in conducting your home education program so that your "good be not evil spoken of." Finally, do not allow yourself to be "frozen" with fear, but commit yourself to peace, knowing that God has promised His blessings to those who walk in His ways—that includes home schooling! □

National PTA Opposes Corporal Punishment In Schools

The following information appeared in the October 18, 1989 issue of *Education Week's* "Across the Nation" column.

"The National PTA has called for federal legislation to outlaw corporal punishment in schools nationwide.

"'Parents would be charged with child abuse if they injured their children in the same way educators are legally allowed to do in most states,' Arlene Zielke, National PTA vice president for legislative activity, said in a statement.

"Corporal punishment is illegal in only 19 states, eight of which banned the practice within the past year, Ms. Zielke said.

"While physical punishment has been outlawed in prisons, psychiatric hospitals, and other institutions, the U.S. Supreme Court ruled in 1977 that such punishment in public schools is not cruel or unusual and that children who are physically punished are not protected under the Constitution.

"The National PTA argues that corporal punishment is ineffective in the long run; that it is most likely to be applied to minorities, handicapped youngsters, and younger children; and that it is often used as a first-resort punishment for minor offenses.

"Arnold Fege, director of government affairs for the PTA, said the group would continue to try to influence state legislation and to introduce changes in, among other federal education statues, the Education for All Handicapped Children Act, now up for reauthorization." □

Michael Farris visits with BJU Chancellor, Dr. Bob Jones, prior to delivering the opening keynote address at the H.E.L.P. Conference.

Workaholism Traced to School Days

"Taking his work home with him" started in his youth. Time at school was not used well. It was necessarily spent on crowd control, repeating directions, lining up, calling roll, collecting papers, passing out grades, organizing teams, and covering the same ground three times to spare the inattentive from reaping the consequences. The class observed earth day with a tree-planting trip on Monday, a guest speaker on Tuesday, a socially-conscious music band on Wednesday, a roadside litter project on Thursday, and a trip to a landfill and sewage treatment plant on Friday.

Time was mis-spent watching Nickolodeon and propaganda films. Time was frittered away with playmates as games of hang-man or battleship were passed from desk to desk, triangular paper footballs were flicked across tables, and variations on the old standbys developed.

But for all these enrichment activities, academics were not slighted. Not at all! Johnny was still assigned long division, complete sentences to diagram, and the 50 state capitals. Johnny still was given word lists to learn for the state-wide standardized testing program. These basic skills were not neglected. This was homework. It was piled high. Time was not left for this work at school. That time was lost. This work must be done after school.

The two tragedies were that, if Johnny did his homework, the teacher was not there to answer his questions. Time with the teacher as teacher was lost, and time with his parents was spent doing school work. Thus, time with the parent as parent was lost. School expanded to displace the family, and occupied all Johnny's life. His waking hours were spent at school or doing schoolwork at home.

Is it any wonder, then, that John finds it difficult to concentrate at the office, taking home the over-stuffed briefcase to fulfill the deadlines at home? And what of his family and the other priorities his life should honor? Alas, the fruit of habit controls him now, and his boss continually commends his dedication. "We should have more employees like him!" □

Religious Americans Denied Equality

By Cal Thomas
Reprinted with Permission
Los Angeles Times Syndicate

When Congress passed the Equal Access Act in 1984, it intended to alleviate discrimination experienced by religious people, most often Christians, who were repeatedly denied opportunities to express their view in public schools. The act permitted religious students to hold after-school Bible studies on school property if the schools also allowed such groups as chess clubs and Future Farmers of America to meet.

But the secularists among us, who argue so forcefully for pluralism in everything else, apparently want God kept completely off public property, even though religious parents pay taxes for school just like everyone else. The after-school-club issue was argued two weeks ago before the Supreme Court, and it will decide later this year the constitutionality of a club formed by a Christian Bible club at Omaha's Westside High School.

It is becoming increasingly clear that there exists in this country a system of religious apartheid that denies religious people full participation in their public institutions as effectively as racial apartheid has denied South African blacks full participation in their country. The difference is that while South Africa has taken the first steps toward racial pluralism, secularists in America are continuing their assault on the public schools.

Religious apartheid began in the early 1960s when prayer and Bible reading in public schools were banned. It has been strengthened through more recent cases that outlawed prayers at public school football games and the use of Christ's name in a valedictorian speech in Louisiana (this case is now being appealed). Also, a Rhode Island judge forbade a rabbi from praying at graduation ceremonies, saying the rabbi's invocation was a prayer because he addressed a deity in the first line and concluded with "Amen."

It is becoming increasingly clear that there exists in this country a system of religious apartheid...

These cases clearly show that the courts repeatedly come down against religious citizens, preferring the secular over the sacred.

If religious citizens want to have an impact on their country, and offer their children more than the limited world view of the secularists, they need to respond to this religious apartheid or risk losing even more freedoms. **One strong protest message would be for religious citizens to immediately withdraw their children from public schools and place them in private schools where high moral values can be reinforced, or educate them at home, a practice that is becoming more popular.**

We don't send American soldiers to train in the camps of our enemies and expect them to defend our nation and its beliefs and values. Why should religious parents educate their children in a school system that, for example, ignores creation theory in favor of evolution and teaches that sex is an option they can exercise before marriage with no concerns other than preventing venereal disease and pregnancy?

If religious parents want to help their children, they must stop allowing government and public schools to set the standards and think in terms of offering their standards for others to follow.

If religious people are looking to the Supreme Court to end religious apartheid, they will be disappointed. Regardless of how the Court rules on after-school clubs, the textbooks have already been purged of the historical values that once were as much a part of America as the religious philosophy that is now banned.

Only a withdrawal from the schools will produce the kinds of "soldiers" who can function in and then return this nation to moral stability. □

Notes of Appreciation

Dear Michael Farris,

We are so glad we could participate, and we are more than happy to help in any way.

We are so happy your organization exists—we thank you and God that so many good people are there to help us do what we feel is best for your children and to take responsibility for all aspects of our children's growth and education. We are committed to homeschooling, and though we spend far more than private schooling, we could never have found the joy we've experienced—except through this decision to homeschool. It's so worthwhile—well worth the cost in time and money. We love parenting. We love rearing our children and are grateful they can share so much of our lives—we are so grateful we don't have to send them away for 8 hours each day!

Thanks again for all you've done to make this option available to us. God bless you all.

Love,
Gary, Kim, Bonnie, Christopher, Kathryn, Colleen and Carrie Ann Hildebrandt, Ann Arbor, MI

Dear Michael [Smith],

Thank you for all the work you did helping New Hampshire home schoolers to get H.B.373 passed. Thank you for coming to New Hampshire to testify for home schoolers. I appreciate all that you did to help us.

Sincerely,

A Northfield, NH Member Family

Dear Michael Farris and Staff,

We just wanted to say "thank you" for all of your faithful work that you're doing on behalf of homeschoolers. This is our first year of home education, and we know that things wouldn't have gone so smoothly if HSLDA and other people hadn't worked so diligently for fair regulations.

May the Lord bless you richly.

A Canton, OH Member Family

We also think that your Washington, D.C. lobbying group is a <u>great</u> idea!

Dear Mr. Smith,

. . . Were it not for your advice and steadfast legal interdiction, the district would still be persecuting us needlessly.

. . . We praise God for the unconditional victory over this intrusion in our lives—and we thank you and all the people at HSLDA for your ongoing personal encouragement and legal protection.

. . . . A great many friends and relatives of friends have followed our "case" with interest [and] the sobering nature of this type of single-minded attack has provoked more than a few of them to consider starting (or in some cases renewing) membership in your organization.

God bless each of you for your commitment to the cause of educational accountability and excellence. We deeply appreciate all you've done for us—and we pray that God richly rewards you for all your good work.

A Pasadena, CA Member Family

Dear Mr. Klicka,

Thank you for your helpful and faithful support throughout the school year.

HSLDA and the employees are in our prayers. Praise the Lord for His blessings and the strength and courage He imparts to us through the Holy Spirit.

Sometimes I literally get tired reading the *Court Report*—your efforts sound so relentless and persistent. We are fortunate that you and the other dedicated lawyers represent us. Thank you again.

A Ruckersville, VA Member Family

Dear HSLDA,

Just a quick note to thank you <u>very</u> much for all you do for home schooling families across this country.

I encourage you in your efforts.

May God richly bless you in all that you do for all that you have done. It is so comforting to know that if we ever need you, you will be there for us as you have been for others.

One hundred dollars seems like such a pittance. If I could afford more, you would have it all.

Again, thank you.

An El Paso, TX Member Family

PEANUTS
Charles Schulz
LAST YEAR WHEN I WENT TO SCHOOL, I WAS IN THE WRONG ROOM FOR TWO WEEKS
THEN I GOT IN THE RIGHT ROOM, AND SAT IN THE WRONG DESK..I DIDN'T GET MY LOCKER OPEN THE WHOLE YEAR...
I WAS IN THE BAND FOR THREE DAYS BEFORE I DISCOVERED OUR SCHOOL DOESN'T HAVE A BAND!
I THINK I'LL SIGN UP FOR STAYING HOME..

Meet Pat Ramirez

Pat Ramirez is HSLDA's featured employee for this summer issue of *The Home School Court Report*. Having joined the staff of HSLDA in May of 1989, Pat ranks as HSLDA's senior, full-time, female employee.

Born in Uniontown, Pennsylvania, Pat spent her childhood and teen years in various locations along the mid-Atlantic coast. She finished high school in Brooklyn, New York and then attended Nyack Bible College. Pat's career includes experiences in several firms as a legal assistant and service with the Department of Defense in Germany for three years.

On the recommendation of friends, Michael Farris contacted Pat with a job offer in 1989. She accepted the position with great alacrity and anticipation. At first, Pat worked with both Michael Smith and Chris Klicka, but as workloads have increased and other staff have been added, her primary responsibility is focused now on working with Mr. Smith.

HSLDA staff, asked to describe Pat, mention first her quick sense of humor and cite her ability to "tell good jokes" and her infectious laughter. Susan Dawson aptly described Pat as the "den mother" of the organization. She is an expert on the office equipment and is a knowledgeable and patient teacher, always ready to offer help and direction to those in need. New-comers and old-timers alike announce "ask Pat!" when unsolvable office riddles come their way.

Pat enjoys spending her free time in a variety of ways. She has been overheard mentioning that she likes to go kiting on the week-ends, and she has been known to frequent craft fairs and local fetes. Lunch hour in the office often finds Pat cross-stitching. It is the unanimous opinion of those present that Pat is one of the fastest cross-stitchers on the Eastern Seaboard.

Above all of these endearing traits we are most grateful for Pat's example of concern for the families with whom she works. Serving as Michael Smith's assistant, Pat is very familiar with state laws and is able to guide parents accurately and compassionately in complying with them. George Whitten adds, "the fruits of the spirit are evidenced in all that Pat does." □

Staff Changes

We are pleased to welcome Darby Waters to our HSLDA staff. Before coming to HSLDA, Darby taught art to elementary students at a private school in the Washington, D.C. area. Presently working in Membership Services, Darby is also able to work in her field of expertise by doing special projects related to printing and graphic designs for HSLDA publications. □

Home School Student Lobbies With Her Life

Seventeen-year-old Ashley Fitch has served as a legislative intern for the past two sessions of the Tennessee general assembly. In doing so, she has had far greater impact on the senators and legislators than any home school lobbying effort ever could.

During Ashley's college application process, Senators Person, Owen, Kyle, and Haynes, along with Thomas Milam, Program Administrator for the Tennessee Legislative Internship Program, wrote glowing recommendation letters for Ashley. Areas of her life that impressed them were her integrity and good character, her scholarship and commitment to excellence, her highly developed communications skills, leadership ability and execution of duties with fidelity and dispatch.

Repeatedly those writing letters of recommendation remarked on how well Ashley worked with people of all ages. Martha Hannah, Acting Coach of the Backstage Theatre, stated "Ashley is supportive and encouraging to her peers and works easily with adults." The qualities evidenced in Ashley's life repudiate the typical concerns expressed by opponents to home education, namely an inferior quality of education and lack of socialization.

In addition to their letters of recommendation, the Senators proposed a resolution to the senate of the ninety-sixth general assembly of the state of Tennessee to honor Ashley Fitch for her outstanding work as an intern.

Senator Curtis Person's letter stated: "As a homeschooler, Miss Fitch is a fine example of a well-rounded student that the system can point to with pride." The impact that our children make is our most powerful witness to the validity and, yes, even necessity of home schooling. Raising godly children who are able to make a positive impact on the society they serve is our goal and our reward. Thank you, Ashley, for the testimony of your life. Congratulations, Mr. and Mrs. Fitch, for a job well done! □

"Don't let anyone look down on you because you are young, but set an example for the believers in speech, in life, in love, in faith and in purity." I Timothy 4:12

Occupational Tax For Home Schoolers?

To increase revenue for the public schools, the State of Pennsylvania allows counties to institute a tax on occupations. Tioga County, Pennsylvania has levied such a tax. It is collected twice a year.

John and Linda Horton teach their own children, and Linda works full-time at the tasks of teaching and homemaking. On July 1, Tioga County billed Linda Horton for an occupational tax of $97.50. The tax was calculated by giving her occupation an assessed valuation of 75 and multiplying it by the rate of 1300 mills. Mrs. Horton called the tax office to straighten out the mistake. The assessment clerk said she was listed as a part-time employee. After inquiring three times, Linda finally found out that she was listed as having an occupation of home school teacher. The county assessment clerk said that her township tax assessor (one of the Hortons' neighbors) had written a memo suggesting that Linda Horton owed an occupational tax. Linda explained what home schooling is and that she does not engage in any income-producing enterprise or employment. The tax office said they would call her after the week-end with an answer.

The same clerk called on July 9th and announced that home schoolers would be taxed as part-time employees. Linda received another call later that morning from the county tax assessor (the person in charge of real and personal property taxes, occupational and per capita taxes, and the 1% county tax on gross income) who claimed that the school district had asked that Linda be taxed as a teacher. Linda then called the school district. The official there said they had not requested a change in her listing on the tax rolls, but mentioned that the tax assessor had told them Linda would send the assessor a listing of other home schoolers whom Linda knew. Linda had already told the assessment clerk that she would not reveal names of home schoolers.

The next day the school district called Linda to notify her she would be listed as a homemaker. Hard on the heels of that call came a call from the general tax assessor saying that Linda would not be charged an occupational tax.

Sure enough, Linda received a corrected tax bill indicating "occupation" with assessed valuation of zero. However, a little understanding is in order, for the woman in charge of receiving payment of occupational taxes in her township apparently has had little experience in the value of Linda's occupation. When we tried to reach this official to inquire about the history of the occupational tax, her child said she would be difficult to catch because she worked during the day and attended classes in the evening. The county's occupational valuation scale does not go as high as the value Linda's function has for her family and the rest of society. □

HSLDA Publications

Home Schooling and the Law, by Michael Farris, is a 200-page book which gives a complete legal orientation to any prospective or current home school parent. Written in conversational "laymen's" language, the text thoroughly outlines a parent's constitutional right to home school and clearly defines state requirements. Charts outlining test requirements make this the most complete and understandable description yet.

Home Schooling in the United States: A Statutory Analysis, by Christopher J. Klicka, is a 55-page "chart," analyzing the home school laws and regulations in all 50 states and U.S. territories. Each page is devoted to one particular state or territory and lists the pertinent laws, regulations and major cases pertaining to home instruction. The analysis is written in understandable outline form and is an excellent tool for those who will be lobbying their legislatures to pass a home school law, for those who will be educating others on the progress of home schooling throughout the country, and for attorneys who will be providing legal assistance to home schoolers.

This edition has been completely revised to reflect all changes in legislation and regulations through the Summer of 1990. If you order this home schooling legal analysis, you will be notified each year when the new edition is completed and will have the opportunity to order the latest update.

Christopher J. Klicka has authored a booklet entitled ***The Case for Home Schooling; An Academic and Legal Perspective***. The booklet provides a concise defense of home schooling based on recent academic studies and court cases. It is a valuable tool for educating friends, relatives, the media, and the legislatures about the issues of home schooling.

"Should Home Schoolers Obey the Law," a special booklet featuring one of the chapters of *Home Schooling and the Law*, explores the important question of when to obey the law and when to stand for convictions which are violated by the law. Michael Farris combines his "lawyer hat" with his "pastoral hat" to examine biblical principles involved in this issue. The booklet is available from HSLDA for $200.00 a copy, or $1.25 each for 25 or more copies.

Order Form

To receive these materials:
please complete this form, include a check made payable to HSLDA, and return it to: HSLDA, Paeonian Springs, VA 22129.

[Note: All prices include shipping and handling.]

Name _____

Mailing Address: _____

City:_____ State:_____ Zip:_____

- ❑ Please send me___copy/copies of **Home Schooling and the Law**. Enclosed is my check in the amount of $_____. (Each book is $11.50; bulk orders of 25 or more are $7.00 each)
- ❑ Please send me___copy/copies of **Home Schooling in the United States: A Statutory Analysis.** Enclosed is my check in the amount of $_____. (Each chart is $20.00)
- ❑ Please send me___copy/copies of **The Case for Home Schooling: An Academic and Legal Perspective.** Enclosed is my check in the amount of $____. (Each booklet is $5.00)
- ❑ Please send me___copy/copies of **Should Home Schoolers Obey the Law.** Enclosed is my check in the amount of $_____. (Each booklet is $2.00; bulk orders of 25 or more are $1.25 each)

Should Mom Get a Job?

When finances get tight and ends just don't meet, the obvious solution for a family is for Mom to go to work—right? Well, maybe not, says a recent study released by the House Democratic Study Group in Washington, D.C.

The study revealed that the added income of a working mother was offset by increased work expenses, so that the family's usable income was only marginally increased. Although the average additional income a working mother brings home is approximately $10,000, the actual usable income of a working mother averaged only $1,000 to $,1,500 per year after the expenses of transportation, child care, clothes and meals were deducted. According to a story in the *Washington Post* (July 2, 1990), "the study estimated that one third to one half of the apparent increase in women's earnings was eaten up by work expenses and taxes."

The study attempted to see how much better off families were because the mother was working. It compared two-parent families, factoring in mothers who worked full time and part time with the 6-7 million mothers who were not employed outside the home.

The financial plight of the American family was confirmed by the study as the average earning level of the approximately 25 million fathers in two-parent families fell from $31,973 in 1978 to $30,766 in 1988 (measured in constant 1990 dollars). This information makes it all the more important for President Bush to keep his promise and not raise taxes.

The average earnings of the working mothers increased because more of them were working and they were working more hours. Combined family income increased from $38,439 to $40,711, a modest gain given sacrifices families must make to allow a mother to work outside the home.

Perhaps if the 18.1 million working mothers knew the marginal increase in usable income their jobs outside the home actually generate, they would reassess their decisions. They would then realize that the strain and fatigue of an outside job coupled with the small financial gain are not worth the cost to their family life and well-being. Certainly home-schooling moms realize that their time and talents are better spent in teaching and disciplining their children.

At HSLDA, we believe that the response to financial pressure in the family should be to try to find ways to economize or earn extra money through a family enterprise. Above all, we need to commit ourselves to prayer that God would provide for each family so that the mother can remain in the home. ❑

101st CONGRESS
2d SESSION

H. R. 5377

To protect the free exercise of religion.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1990

Mr. SOLARZ (for himself, Mr. HENRY, Mr. EDWARDS of California, Mr. SENSENBRENNER, Mr. ACKERMAN, Mr. ALCOTA, Mr. BERMAN, Mr. CARDIN, Mrs. COLLINS, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. DURBIN, Mr. EVANS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK, Mr. GINGRICH, Mr. GRADISON, Mr. HUGHES, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. MOODY, Mr. OWENS of New York, Ms. PELOSI, Mr. SCHEUER, Mr. SMITH of Texas, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mr. WOLPE, and Mr. YATES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the free exercise of religion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1990".

SEC. 2. THE FREE EXERCISE OF RELIGION PROTECTED.

(a) IN GENERAL.—Except as provided in subsection (b), a governmental authority may not restrict any person's free exercise of religion.

(b) LAWS OF GENERAL APPLICABILITY.—A governmental authority may restrict any person's free exercise of religion only if—

(1) the restriction—

(A) is in the form of a rule of general applicability; and

(B) does not intentionally discriminate against religion, or among religions; and

(2) the governmental authority demonstrates that application of the restriction to the person—

(A) is essential to further a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(c) CIVIL ACTION.—A party aggrieved by a violation of this section may obtain appropriate relief (including relief against a governmental authority) in a civil action.

SEC. 3. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes of the United States (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration

Act of 1990," before "or title VI of the Civil Rights Act of 1964".

(b) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting "; and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1990" after clause (iii).

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "governmental authority" means any authority of the Federal Government or of the government of the State, and includes political subdivisions, agencies, and municipalities of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "person" includes both natural persons and religious organizations, associations, or corporations.

SEC. 5. RULE OF CONSTRUCTION.

(a) IN GENERAL.—This Act applies—

(1) to every Federal or State law, regulation, administrative order, decision, practice, or other action previously enacted, adopted, or implemented; and

(2) to every State law, regulation, administrative order, decision, practice, or other action subsequently enacted, adopted, or implemented.

(b) FUTURE FEDERAL LEGISLATION.—Unless such law by specific reference to this Act states an intention to exclude such coverage, in whole or in part, Federal statutes enacted subsequent to enactment of this Act shall be subject to its provisions.

(c) FEDERAL ADMINISTRATIVE PROCEEDINGS.—This Act applies to every Federal regulation, administrative order, decision, practice, or other action subsequently adopted or implemented, unless adopted in compliance with a statute, or a part of a statute excluding coverage under subsection (b).

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act limits or creates rights under that portion of the first article of amendment to the Constitution that prohibits laws respecting an establishment of religion.

○

BEST COPY AVAILABLE

PRESIDENT'S CORNER:

Congress Moves to Restore Religious Freedom

As we reported in the last issue of the *Court Report*, the United States Supreme Court, on April 17, 1990, effectively eradicated the traditional standard of protection afforded the free exercise of religion. The Court ruled in *Smith* v. *Oregon* (*Smith II*) that they would no longer apply the compelling state interest test to religious freedom cases. However, the Court indicated that this test would continue to be applied to cases involving other fundamental freedoms. The net conclusion is that the Court's ruling means that it no longer considers the free exercise of religion to be a fundamental freedom.

Obviously, this is an intolerable conclusion. Since the day *Smith II* was announced, we have been working to reverse the effects of this decision through federal legislation.

Home School Legal Defense Association has been an active participant in a coalition effort to draft and lobby for a bill to reverse the effect of *Smith II*.

Congress has now introduced our legislation, the Religious Freedom Restoration Act of 1990 [H.R.5377]. Its chief sponsors are Rep. Stephen Solarz (D-NY), Rep. Paul Henry (R-MI), Rep. Don Edwards (D-CA), and Rep. James Sensenbrenner (R-WI).

Our current goal is to gain as many co-sponsors as possible in both the House and Senate. Rep. Edwards, chairman of the House Judiciary Committee, has indicated that he will hold hearings [on the bill] in September.

Congressional support for this bill is clearly bi-partisan in nature. Some Congressmen supporting this bill rarely ever work together on legislation. Traditional ideological and party lines do not apply for this bill.

This fact is also indicated in the composition of the coalition backing H.R.5377. The ACLU has chaired the meetings of the coalition. Other liberal organizations supporting this bill include People For the American Way, National Council of Churches, and the American Jewish Congress. Conservative backers include the Christian Legal Society, National Association of Evangelicals, and Concerned Women for America. Representing HSLDA, I was able to lead the legislative drafting committee which was co-chaired by Mark Stern of the American Jewish Congress.

It is important to address the question of why this wide variation of organizations support this bill when they have tangled so often in the past. There are two reasons for this unusual occurrence. First, most of the disputes between these organizations have centered on cases involving the Establishment Clause. These groups hold sharply differing views on cases where the government appears to be involved with religious activity which they claim implicates the so-called "separation of church and state." However, these groups disagree far less frequently on cases arising under the Free Exercise Clause.

All of these groups support the principle that the free exercise of religion is a fundamental right. That is the second reason there is a basis for united action on this bill. The bill simply re-enacts the fundamental rights standard in free exercise of religion cases. The bill does not mandate particular outcomes in particular cases. All groups will be free to advocate different application of the general rule in each case arising in the future.

We urge every member of HSLDA to write to your Congressman and Senators now, encouraging them to become co-sponsors of H.R.5377.

If this bill is not enacted, the Supreme Court's new standard will be employed to force churches and religious people to succumb to the general provisions of law without any protection of their religious beliefs. Churches could be forced to hire women pastors even if their doctrine forbids it. Religious individuals can be forced to aid in abortions even if their faith forbids it.

It is an utter shame that we must resort to legislative protection for what should clearly be a Constitutional right. But when the Supreme Court refuses to grant an appropriate Constitutional remedy, we have the right and responsibility as citizens to appeal to another branch of government to recognize the fundamental right of religious freedom.

For your convenience and information, the complete text of H.R.5377 appears on p. 19. □

Home School Legal Defense Association
Paeonian Springs, VA 22129
703-882-3838
President: Michael P. Farris
Vice-President: J. Michael Smith
Editor: Christopher J. Klicka
Managing Editor: Inge P. Cannon

ADDRESS CORRECTION REQUESTED

Non-Profit Org.
U.S. Postage
PAID
So. Maryland
Permit #1230

The *Home School Court Report* is a service provided free to members of the Home School Legal Defense Association. The newsletter is published quarterly. Non-members may subscribe for a $10.00 annual fee.

THE HOME SCHOOL COURT REPORT

VOL. 6 NO. 4 WASHINGTON, D.C. FALL 1990

Inside...

Major Courtroom Victory In Massachusetts 2
Notes from the Editor 2
Calling All Home School Students 2
S.C. Suit Challenges Test for Home-School Parents 3
Across the States 5
Alabama 5
California 5
Connecticut 6
Florida 7
Idaho 7
Indiana 8
Kansas 9
Massachusetts 10
Michigan 10
North Dakota 10
Rhode Island 11
Tennessee 11
Texas 11
Virginia 11
Meet Chuck Hurst 13
Staff Changes 13
Upcoming HSLDA Speaking Engagements 13
HSLDA Introduces New Board Member 14
Another Good Reason to Home School? 15
Notes for Members 15
New Home-Schooling Video ... 16
HSLDA Publications 16
Religious Freedom Hearings Begin 17
President's Corner: Canine Conundrum 20

First Lady Admits "Prejudice" Against Home Schooling

On September 5, 1990, Barbara Bush verbalized strong reservations about the concept of home schooling in response to a caller during an ABC American Agenda special radio interview hosted by Peter Jennings. The topic of discussion was literacy, and the First Lady shared a multitude of suggestions for attacking this prevalent problem in American society.

Mrs. Bush reinforced the fact that parents are very important teachers in the process of motivating children to read. She emphasized that it was in the home that the importance of reading should be modeled through reading to children, valuing books, and simply expecting children to excel in this crucial skill. "Imitative learning is natural to human beings," and who better to imitate than parents who care!

Then a strange contradiction occurred. Toward the end of the program Chris from Columbus, Ohio called: "Hi, Mrs. Bush. I'm really pleased to talk with you, too. You're a great role model for us stay-at-home moms in this day and age when it's not that popular. I'd like to know your comment—You said earlier that it is up to the parents to resolve the problem and I agree totally with that—I wondered what your opinion was on the new trend in home schooling and why some states make it rather difficult to use that as an option for our children."

Mrs. Bush hesitated and stammered briefly before replying, "Well, I really haven't delved too much into that, but my own sort of automatic reaction would be that part of school is interacting with other people other than your own family—that's part of growing up and it's part of responsibility—I think the parents have the responsibility to make sure the schools are good, and I think for your own child's benefit to make them active, giving citizens, they should be in the public school or private school with other children."

Chris hastened to reassure Mrs. Bush that home schoolers do care about the socialization needs of their children: "Right. We would, of course, take care, you know, to see that they were involved with social interaction with other children, too."

Mrs. Bush settled the matter, "Well, I just prefer the schools. I sent my own children to public and to private schools depending upon the problem the child had or what the school was like. I worked in the school system, both public and private, and I'm just a little prejudiced that way. I think it made them healthy, strong, wonderful children. I would highly recommend you do that, too."

We have no problem with Mrs. Bush sharing her positive experience in training her children in the context of the traditional classroom, but we are very concerned that she does not seem to know much about the successes of home schooling. It appears from her comments that she believes the only place to learn to be well-rounded, healthy, strong citizens is in the schools. The dictionary defines *prejudice* as "a judgment or opinion formed before the facts are known; a preconceived idea, favorable or, more usually, unfavorable."

Negative comments about home schooling coming from the First Lady (especially in light of her commitment to literacy) have the potential of causing unwarranted damage to our movement. Thus, we are strongly recommending that parents have their children write Mrs. Bush to share the

continued on page 2

Major Courtroom Victory in Massachusetts

School districts throughout Massachusetts have tried to impose severe restrictions on home schoolers. In fact, one district—in order to demonstrate who was really in charge—took a family to court.

The Searles family in Amesbury decided to home school their child based on their religious convictions. They notified the school district during the third week of August, providing information in the four areas required by the Massachusetts Supreme Judicial Court in *Care and Protection of Charles*, 504 N.E.2d 592 (1987). Those four areas are (1) qualifications of parents, (2) types of subjects taught, (3) sample weekly schedule, and (4) type of evaluation they would have done at the end of the year.

The Searles received a call from the school district, demanding that they immediately place their child in the public school while the information was under review. The family explained that they could not place the child in public school because that would violate their convictions. The school district official responded by threatening charges. Attorney Chris Klicka then called the school district, telling them that the family had submitted the required information and was, therefore, in compliance with the law. He reminded the official that home schooling is a right, not a privilege.

The next day the principal contacted the family, reiterating the demand that their child be placed in public school by the following day or they would charged. Later in the day, a local police officer came by and threatened that the child would be forcibly removed from the home if she were not in school by the following day.

The Searles called Attorney Klicka, and in the meantime there was another knock on the door. This time a probation officer was visiting to warn the family of the consequences of their action. The Searles handed the phone to the officer. Mr. Klicka told him the family was in compliance with the law and that they did not have to place their child in public school. The probation officer retracted the threat to forcibly remove the child but continued to insist that it was in the child's "best interest" to be in public

Continued on page 4...

NOTES FROM THE EDITOR

The 1990-1991 school year started with tremendous intensity as truant officers and school district officials unleashed their forces to round up "truants." Of course, many home schoolers were gathered in the dragnet during the process. Although HSLDA legal staff has been able to resolve many situations fairly quickly with a phone call or letter, other families have had a much harder time. As seen from the articles in this issue, families in Michigan, Kansas, Massachusetts, Connecticut, South Carolina, Tennessee, Idaho, and even Virginia continue to face tough challenges and difficult legal conflicts.

We have also noticed a growing number of home school families being referred to child welfare agencies or Social Services on fabricated allegations. Normally, these referrals can be traced to a disgruntled neighbor who just does not like home schooling. I recently talked at length with one particularly frank social service agent. She informed me that over fifty percent of all referrals to child abuse agencies are "unfounded," leading her to conclude that the system has become a "child abuse industry." She explained that many hospitals have joined the "business" of "always" finding child abuse. She was upset with the "fishing expeditions" conducted by many child welfare agents and the undue hardship innocent families experience as a result.

Furthermore, she was appalled by the growing tendency to perceive a family as guilty whenever they are reported to a social service agency. She complained that the "system" no longer operates on the principle that a person is innocent until proven guilty. My conversation with her was sobering and confirmed my assumption that such contacts by child welfare agencies are on the rise.

As you read, please pray for God's continued blessing on home schoolers throughout our land. I am convinced that the legal and legislative victories experienced by home schoolers have happened not because they are home schooling for home schooling's sake, but because they have been faithful to train their children to love God and live according to His principles. There is no other explanation for the miracles which have taken place and the extraordinary protection individual home school families have received in spite of great odds against them.

May God bless you as you home school on the front lines and continue to pray for the important cases described in this issue.

Chris Klicka

First Lady...
continued from page 1...

joys of their experiences in home schooling and their love of learning at home. The impact of the "proof of the pudding" from the nation's homeschooling children would have a far reaching effect, perhaps even going further than persuasive letters from parents which deal with philosophy and defense of viability.

CALLING ALL HOME SCHOOL STUDENTS!

Let's help Mrs. Bush learn about the thousands of "healthy, strong, wonderful children" who are becoming "active, giving citizens" by sending her letters from you! Tell her about your activities and particularly about your love of learning and reading along with reports of your interaction with others. Proofread your letters and copy them in your best penmanship. Address your letter to:

Mrs. Barbara Bush
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20006

If you can do it, send us a photocopy of your letter. We would love to see how you help our first lady turn her prejudice against home schooling into a vote of confidence. Write your letter today! □

EDUCATION WEEK Volume X, Number 3 • September 19, 1990, Reprinted by Permission

STATE CAPITALS

S.C. Suit Challenges Test for Home-Schooling Parents

By Robert Rothman

The test that South Carolina requires parents to pass in order to be allowed to teach their children at home is "insensitive, insulting, and unjust," a lawyer for home schoolers argued in state court last week.

During a four-day trial, lawyers for the Home School Legal Defense Association, which represents 369 families in South Carolina, challenged a state-funded study that concluded that the test was valid for measuring parents' ability to teach their children at home.

The lawyers asked Judge Ellis Drew to grant an injunction against further use of the examination.

"There is no evidence that connects this test with home schooling," said Michael P. Farris, a lawyer for the Virginia-based legal-defense association. "Our contention is, you shouldn't cut off the right to home schooling on a test that's irrelevant."

Noting that the case is drawing widespread attention and has included nationally recognized testing experts as expert witnesses, Mr. Farris also issued a warning to other states that might consider requiring home schoolers to pass a test.

"When the word [of this case] gets out in the testing and measurement community," he said, "anybody will be reluctant to tangle with testing home schoolers again. There will be a painful price to pay."

South Carolina officials, however, defended the state board's decision to approve the use of the test, and argued that the test is suitable for evaluating home-schooling parents.

"The test is valid," said Assistant Attorney General J. Emory Smith Jr. "The study was properly undertaken."

Mandated in 1988

The case argued in the Richland County, S.C., courthouse last week stems from a 1988 law that regulates home schooling in the state.

The law requires home-schooled students to take statewide tests and establishes other safeguards. In addition, it mandates that parents who do not have bachelor's degrees pass a basic-skills test, known as the Education Entrance Examination, before being allowed to teach their children.

Arizona is the only other state to require parents to pass a test to qualify as home schoolers, according to Mr. Farris.

The South Carolina law also directed the state education department to validate that the test, which is normally required for college sophomores entering education programs, is appropriate for use on home-schooling parents. The department hired 10x Assessment Associates, a Los Angeles-based testing firm, to conduct the validation study.

The $40,000 study concluded that the exam is "an acceptable instrument for determining the reading, writing, and mathematics skills of prospective home-schooling instructors in South Carolina." Based in large part on that recommendation, the department approved the use of the test for home schoolers, and began to implement it in the 1989-90 school year.

'A Shoddy Job'

Mr. Farris charged, however, that the 10x study was "a shoddy job" that did not demonstrate that the test is valid for evaluating home schoolers' qualifications.

He noted, for example, that even though one of two writing exercises on the test required examinees to write about a classroom situation that is not applicable for home schooling, the study found the test unbiased because the other writing exercise was equally appropriate for public-school and home-school teachers.

"Both were nonbiased for the public-school population, but one was biased against home schoolers," Mr. Farris said. "That doesn't give everybody an equal shake."

Mr. Farris also said that half of the panel that evaluated the test as part of the 10x study had "never seen a home school."

"They were in no position to judge whether a task was related to home-schooling or not," he said. "They had no familiarity with the examinee population."

Renee Ittner-McManus

Maureen Deaton, left, and Jewel Smith are plaintiffs in a case challenging a test required for parents who teach their children at home.

Mr. Farris acknowledged that, despite these drawbacks, home schoolers passed the test at a slightly higher rate than prospective public-school teachers. But, he said, their success rate may reflect the fact that the test is easy, not that it is appropriate.

"Our claim is not that home schoolers are having a difficult time passing the test, because frankly they are not," he said. "I can give you an easy test to determine whether you know the rudiments of football, but that's not valid for determining whether you can teach."

'Really Solid'

In asking Judge Drew to dismiss the complaint, state officials argued that the plaintiffs lacked standing to sue because they did not allege that any of the home schoolers failed the test.

In addition, W. James Popham, president of 10x, vehemently denied Mr. Farris's allegations and said his firm's study clearly showed that the Education Entrance Examination is valid for evaluating home schoolers.

"I think the study is really solid," Mr. Popham said. "We knew it would be contentious, and there would likely be legal action, so we did it solidly."

Mr. Popham also noted that his firm has conducted numerous similar studies since 1983, employing the same kinds of methods that were used to evaluate the South Carolina test.

The testing-firm president rejected, moreover, suggestions that the study was predisposed to find the test valid. "We didn't care whether the study made the test good or not," he said.

In defending the test's validity, both Mr. Popham and state officials declined to comment on the substance of the state's home-schooling policy.

"The study suggests that the test is appropriate to use in that situation," Mr. Popham said. "Whether home schoolers should be tested is another question."

Massachusetts Victory... continued from page 2...

school.

Attorney Klicka explained that the child's educational program would be disrupted by such a move and that an education was already taking place in the home. Klicka also told the officer that he should postpone any charges for a few days because the family already had a meeting set up with the superintendent to answer any further questions. Instead of waiting, the probation officer expedited the process, and the family received charges at the end of the day, requiring their appearance in court in two days.

HSLDA secured Attorney David Chamberlain of Dracut to appear for the family, and Chris Klicka strategized with him for the hearing. God worked a miracle by having a substitute judge on the bench who was sympathetic to the Searles. The judge ruled in favor of the family, stating that the child did **not** have to be in public school while their home school program was being considered. The judge found that the family and the school district would be "best served if they proceed expeditiously in a serious effort to resolve the matter by agreement." *In the Matter of Johnna M. Searles*, No. 9037CH0017, District Court of the Amesbury Division, September 4, 1989. The Judge also emphasized that if the home school program was disapproved by the school district, the burden shifts to the school district to prove that the home instruction program is inadequate.

The family met twice with school district officials who wanted regular home visits, testing in the public schools, and meetings eight times a year with a public school official in order to analyze the child's work and progress. In addition, the school district wanted to review the mother's high school transcripts because they doubted her qualifications. The family refused the monitoring and offered four quarterly progress reports primarily composed of dated work samples.

The school district disapproved the family and set a court hearing date. Attorney Chamberlain represented the family at the hearing, explaining that at least two days were needed for a trial and that out-of-state counsel from HSLDA would be present. The judge did not seem to favor the school district and gave the Searles two weeks to submit more information to him on the constitutional issues. During those two weeks Attorney Klicka negotiated at length with the school district's attorneys and by God's grace convinced them to waive all requirements and accept the family's voluntary offer of four quarterly reports with no meetings, home visits, testing, or submission of transcripts. As a result the case was dismissed, and the Searles are freely home schooling.

HSLDA gives God the glory for the resolution of this conflict. With state interference like was attempted here, it is no wonder that some home schoolers who try to abide by such illegal requirements "burn out" within a year or two and eventually stop home schooling. □

Jehovah-Nissi: "The Lord is my Conqueror"

We, the Searles family, know this personally. We want to thank each one of you out there for all your heartfelt prayers and support. God truly is on our side no matter what curve ball the enemy throws at us. Each one of you has made the difference, and we couldn't have won without you.

Together we can make a difference because the battle is the Lord's. The enemy is already defeated by Jesus, our victorious King. So be encouraged to go on and make a stand for the Lord because He is on our side. Learn to control the enemy in your life, and don't let him control you.

Thank you again, each one of you, for standing by us. There is power in unity.

Growing in Him,
Nate, Kathy, Johnna, Nathan, & Kimberly Searles

Thank You!

"We appreciate your organization. It provides a peace when we're confronted with neighbors who insist the children will be hindered in later life and the possible threat of them calling us in for their own reasons. We are thankful the Lord moved on you all to found such an association of protection for homeschoolers.

"Thank you again for your services. Keep up the good work. We will continue to pray for you."

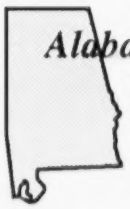
From San Antonio, TX
Member Family

"We would greatly like to thank Christopher Klicka, Michael Farris, and all those at HSLDA who have been without ceasing help and intervention with all our home-schooling matters. Through the wise counsel given us, we have gained a friendly relationship with our Bensalem Township's Pupil Personnel Director, Rita T. Schmidt. The Lord had definitely taught us through your ministry how to be obedient servants in Him. We will continue to pray for its fruitfulness and victory in the matters being dealt with other home-schooling families in the USA."

From Bensalem, PA
Member Family

Rejoice evermore.
Pray without ceasing.
I Thessalonians 5:16-17

ACROSS THE STATES



Alabama Districts Try to Enforce Certification

Before 1983 all schools (including church schools and home schools) had to use certified teachers. However, that year a church school exemption law was passed, allowing any school "operated as a ministry of a local church" to be free of teacher certification and school accreditation requirements. Ever since that time HSLDA has argued that home schools can legally operate as church schools or as satellites of a church school. However, not all school districts have recognized this option.

This fall Dallas and Russel Counties, Eufaula City, and Ft. Payne have told HSLDA members that they must be certified. Some of these families were asked to meet with local school boards, and others were required to enroll their children in public schools immediately. HSLDA attorney Chris Klicka has intervened on behalf of these families with positive results. We praise God that all the families are still home schooling and none of them had to meet with school officials. Mr. Klicka was able to convince the school districts of the legality of home schools operating as ministries of churches.

In Pell City one HSLDA member, who is a certified teacher, was required to provide instruction for more hours per day than the statute demands. God blessed as HSLDA legal staff contacted the school district, convincing them to correct their error.

Another major difficulty this year was caused when several families who were not affiliated with any church ministry were contacted by the school district. These people actually have no statutory defense. Although HSLDA was able to resolve these challenges, the average superintendent would normally refer such families to prosecution unless given a justification under the statute which shows them to be in compliance with the law. HSLDA strongly recommends that home schoolers who are not certified teachers either join an existing church school or convince their local church to sponsor them as a ministry of the church. Anyone who is interested in doing the latter can write to HSLDA for a memorandum on how to start a church school.

California Lancaster Strikes Again

The 1990-1991 school year began like many others with the usual posturing by some school districts to attempt to intimidate home-schooling parents either to give up or to enroll in the public school's independent study program. This challenge takes various forms.

One recurring theme has been letters and information accompanying the private school affidavit, indicating that home schooling is illegal unless done by a certified teacher. Alameda, San Mateo, and Kern Counties continued that practice this year. An interesting twist in Kern County has been that the packet of information accompanying the affidavit included a letter from the county counsel of San Mateo County and a staff attorney of the Department of Education regarding removal of language on private school affidavits, indicating that home schoolers should not mark the box for residential schools. Because this language was eliminated from the 1990-1991 affidavit, the county counsel is concluding that the issue is settled once and for all that home school instructors have to be "appropriately credentialed," i.e., certified.

Then, in the same accompanying information, home schoolers found a memo dated August 1990 from Larry E. Reider, Administrator of the Division of Administration and Finance, indicating under Section V, "Local Ordinances": If instructors are teaching their own children, they do not have to have fire and health inspections. Such instructors were directed simply to write "teaching own children." HSLDA continues to advise the use of "N/A" to signify that the provision is "not applicable."

HSLDA Attorney Michael Smith contends the inspections are not applicable for two reasons. First, the instruction is taking place in homes and is thus not subject to the fire and health inspections for private schools open to the public. Private schools do not have to be open to the public for enrollment to retain their "private school" status in California. Second, the Education Code provisions dealing with exemption of children from public school attendance do not require fire and health inspections. Therefore, even though a school may not have complied with fire and health requirements, this would not make the children attending that school truant.

Several school districts have sent letters and contacted home schoolers via telephone regarding the review of required records pursuant to § 33190 of the Education Code. The representation was that the school districts had to "verify" the records (i.e., look at the curriculum in order to make sure the school was legal). This practice continues in spite of language in the private school exemption provision of the Education Code (§ 48222) which reads as follows: "The verification required by this section shall **not** be construed as an evaluation, recognition, approval, or endorsement of any private school or course." HSLDA legal staff has responded to the school districts accordingly on behalf of these families.

At the date of this writing, only one contact appears to be headed for court. This situation involves a Lancaster West Side Union School District family who withdrew their child from public school toward the end of the last school year after considerable problems with the school. The Superintendent did not respond well to this removal and attempted to have the parents appear before a Student Attendance Review Board. Only three days notice was given. The father was out of town, so HSLDA attorney J. Michael Smith informed the school district of this fact and the fact that the child was enrolled in Keystone Academy, a

home school satellite program. The school district took the position that because the child was not in attendance full-time at the private school, he was not exempt from public school attendance.

The school district's position is that the only legal home school is one taught by a credentialed teacher. When school began this year, the family was ordered to appear at a District Attorney Office hearing. The family attended with Mark Sutton of Pasadena, private counsel hired by HSLDA to represent the family at the hearing. The hearing officer was not an attorney and refused to discuss the legality of the action by the school district even though confronted with a legal memorandum and enclosures supporting the parents' position that because their child is enrolled in a private school he is legally exempt from public school attendance.

The hearing officer informed the family that the child was truant and that they would be turned over to the District Attorney for appropriate action. The District Attorney assigned to the case has been provided with a legal memorandum which presents arguments in favor of legal exemption for the child pursuant to private school instruction. If it goes to court and reaches appellate levels, this case could establish precedent for private school satellite or independent study programs in the State of California.

Please pray for this situation in Lancaster. HSLDA will keep you informed about its development. Remember that the real contact activity in California begins after October 15th, the final deadline for filing private school affidavits.

Connecticut The Pot Continues to Boil

Connecticut's State Board of Education rejected the recommendations of Commissioner Gerald Tirrozi at the September Board meeting. Commissioner Tirrozi advocated a home-schooling policy which would include approval by local school districts and unbridled authority for local school districts. The Board appointed a committee of its own to meet with home schoolers and representatives of local school districts.

In the meantime, over 25 home school leaders met on September 19th with HSLDA's Mike Farris. The leaders came to a consensus which could serve as the foundation for a state home-schooling policy and which could be endorsed by home schoolers. Representatives from Connecticut Home Education Association (CHEA), The Education Association of Christian Homes (TEACH), and Citizens for the Right to Educate (CURE) were among those present at the meeting.

Attorney Farris drafted a proposed policy using the outline that had been developed by the home-schooling leaders. After circulating it to all those who had been present (and these leaders, in turn, circulating it to their constituencies), five representatives of the home-schooling community met with the State Board's committee on September 27.

The committee had its own proposal, including the following elements (partial listing):

• Parents must file with the superintendent of schools in the town in which they reside a State Department of Education developed notice of intent form which provides basic information about the program to be provided to their child. A notice of intent will be effective for up to one school year.

• The school district receives the notice of intent, checks it for completeness and keeps it as part of the district's permanent records. A complete form will be one which provides basic program information including name of teacher, subjects to be taught and days of instruction, and the teacher's method of assessment.

• A parent by filing a notice of intent acknowledges full responsibility for the education of their child in accordance with the requirements of state law and relieves the public school district in which they reside of any responsibility on the part of the public school district.

• Any continued refusal by the parent to comply with the reasonable request of the school district for completion or filing of the notice of intent shall cause the child to be considered truant.

• An annual portfolio review evidencing the student's educational achievements should be held with the parents and school officials. Recommendations for improvements may be made by school officials at this time. The parents' decision to implement such recommendations is voluntary and in no way shall reflect on the child's being truant.

• Receipt of a notice of intent in no way constitutes approval by a school district of the content or effectiveness of a program of home instruction.

Although this represents a significant improvement over prior proposals coming from the state, it is only an outline of a policy and not the policy itself. At press time, the policy was still in draft form and had not been reviewed by the superintendents association.

It is HSLDA's position that it is possible to use this outline to write either a good or a bad policy and that the input of the superintendents could drastically shift the tenor of the proposed policy. We are awaiting the final draft before determining whether to oppose the proposal.

While all of the political maneuvering continues, families in Connecticut continue to face more threats and harassment than in any previous year.

On September 24, the Clinton School District held a hearing concerning James and Nancy Hough's home-schooling program. The superintendent had recommended approval of their program pending certain changes in the Houghs' home school program. For example, the family's computer class would not be approved unless they taught "spreadsheet skills."

Michael Farris appeared at the evening school board meeting on behalf of the family. About 75 home schoolers from across the state were present.

Mr. Farris argued that the school district had no legal authority to approve or disapprove the family's program. He pointed out that even the state school board policy, which had served as the justification for approval, had been repealed in 1987.

In an intense interchange Michael Farris challenged Tom Sullivan, the

Dear Michael [Farris],

We want to thank you again for your recent appearance before our Board of Ed. We are anticipating a quiet year ahead of us—thanks to you.

The Board members still feel that they have to follow the advice of their school board's attorney, but they also were impressed with your interpretation of the law—enough so that they realize a court case just might be decided against them.

Sometimes I wish I had never submitted that curriculum description. I don't think I will next year. There has to be a better way.

Once again our appreciation is boundless.

We pray for you every day. Without you, homeschoolers would be forced to make hard decisions about going underground or complying with unjust laws. We believe that it is a fight for our children's souls.

May God bless you and your family.

Love, Nancy and Jim Hough

School Districts' attorney, to cite a Connecticut statute which forthrightly declared that local school districts had the authority to approve private home schools. Mr. Sullivan replied that this is the way it had always been done. Farris replied, "In other words you admit that there is no statute. Tradition is not a law."

Mike Farris granted, upon a question from a board member, that if the board chose to approve the family, there would be no basis for a legal confrontation since the family could only litigate if their right to home school were being challenged. "We are not asking you to approve their program, but we can't stop you from doing so."

The school board then voted to approve the program and gave the Houghs two months to work out curriculum details with the school administration. The Houghs met with the school officials the following day, taking the position that they would offer additional information concerning what they were doing (for example, they were already teaching spreadsheet skills) but would make no changes to copy the public school curriculum. The school officials then withdrew all their previous demands for changes, thus averting further confrontation.

Mike Farris attended the board meeting because the Hough family appeared to be the test case which was going to determine the course of Connecticut law. He summarized the situation: "Even though the board essentially backed down on its demand that the family conform its curriculum to public school standards, we got a terrific transcript that we can use in any other case which may arise in Connecticut."

Florida
New Child Abuse Provision

During its last session, the Florida Legislature was barraged with several bills to restrict home schooling. Conscientious grassroots efforts of home schoolers influenced the defeat of every one of those bills, but one small child abuse provision slipped through.

At first reading the new provision sounds positive. The law prohibits from home schooling any parent who "has been named as a perpetrator in a confirmed report of abuse or neglect of a child . . . or has been determined by a court of law to have abused or neglected a child." [§232.02(4)]. However, the application of the law is a problem for some home schoolers.

For example, some HSLDA members have contacted us to explain that their names are on the confirmed child abuse record for seven years due to very minor incidences. One family's child was reported to be out playing in a "dead end" street with a bunch of other children but no adult supervision. The social worker reported the situation as "confirmed child neglect." Other "offenses" were equally minor.

In order to enforce the new law, the Osceola County School District has sent out notices to all home schoolers, telling them that "all parents who wish to teach their children at home must first get clearance from the Department of Health and Rehabilitative Services." Therefore, before you can be approved to instruct your child at home, you must obtain written verification from HRS that you have been cleared to participate in this educational alternative."

This directive by Osceola, however, exceeds the law because there is no requirement that home schools need to obtain written verification from the HRS. If a school district suspects that an abuser is home schooling, the district is obligated to check with the HRS to clear the suspicion.

Idaho
State Issues Comparable Guidelines

Precipitated by a court case in Boise, new guidelines have been issued by the State Department of Education for local school districts to use as they formulate written policy on home instruction programs.

The home schoolers' case alleged that the school district had (among other things) illegally requested that families fill out a questionnaire regarding their curriculum. To support their charge the parents asserted that absent evidence of non-comparable instruction does not provide a legal basis to ask the home schoolers to give information to the school district. Furthermore, without evidence of non-comparable education there is no legal basis for intervention by the state under the youth rehabilitation laws.

The judge's ruling against the parents found that under Idaho Code § 33-118 the school district is empowered with the authority to involve itself in the evaluation and oversight of home-schooling proposals. It also concluded that the standards established by the statute and regulations adopted by the State Board of Education are sufficient to satisfy constitutional standards.

The judge further ruled that the parents' argument that the questionnaire violated their Fifth Amendment right against self-incrimination (therefore not

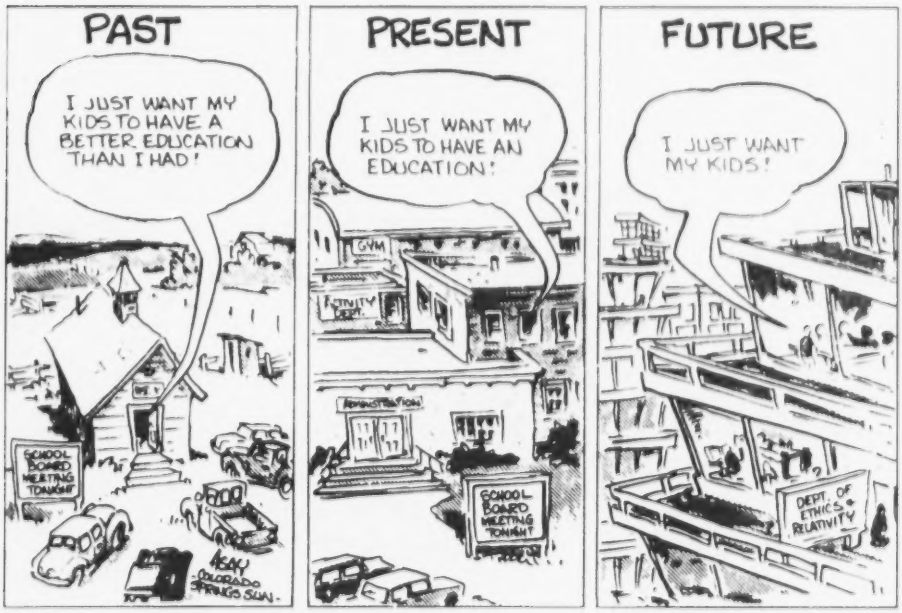
requiring them to answer) was misplaced. He reasoned that the action against the parents would be pursuant to the youth rehabilitation provisions which are civil rather than criminal. As a result, the court could even draw negative inferences against the parents because of their failure to answer since only criminal defendants are protected by the Fifth Amendment right to remain silent.

Although effectively ruling against the parents in every aspect of their case, the judge alluded to the fact that the school district had not adopted procedures for the evaluation of a home-schooling program. He suggested that in a trial involving truancy charges these parents might be able to defend themselves on grounds of violation of "due process of law" because the school district had not provided guidelines and a due process procedure to evaluate home school programs.

In all likelihood, the State Department of Education has read the decision and decided that they had better waste no time in encouraging all school districts to adopt guidelines. One way to achieve their goal is to send out some sample guidelines for the district superintendents to follow.

To our knowledge there was no consultation with the State Board. No open hearings were conducted so that home schoolers could share their concerns; nor was a committee composed of home schoolers and others given an opportunity to promulgate guidelines as has been the pattern in other states. HSLDA has filed a written objection to the authority to issue guidelines as well as an objection to content of those guidelines.

Although the guidelines are not law, our experience across the country has been that as school districts begin to treat the guidelines as law, they will not relent from them. Some procedures spelled out in the guidelines require the parent to file an annual declaration of intent to home school which provides a daily time schedule of instruction, a yearly calendar of when instruction will be administered, a description of instructional material, an assurance of instruction in the minimum courses required, and mandatory testing of children nine years of age and older at the end of the school year. Local school districts are advised to administer the standardized tests, and school board policy may require that test administration occur in public schools.


PAST
I JUST WANT MY KIDS TO HAVE A BETTER EDUCATION THAN I HAD!
SCHOOL BOARD MEETING TONIGHT
PRESENT
I JUST WANT MY KIDS TO HAVE AN EDUCATION!
GYM
ADMINISTRATION
SCHOOL BOARD MEETING TONIGHT
FUTURE
I JUST WANT MY KIDS!
DEPT. OF ETHICS & RELATIVITY

Reprinted with permission, Colorado Springs Sun.

- **Parents Required to Post $500 Fee for Permission to Home School**

In the Kendrick School District Two of Idaho other families have been referred to the county attorney for prosecution. That school district's policy required the families to deposit $500.00 with their application for home education. They were also required to have certified teachers involved in their programs. The money was designated to pay an "independent evaluator" of their curriculums so that a recommendation could be made to the Board of Trustees. The guidelines required the family to have modern textbooks.

HSLDA attorney J. Michael Smith sent a letter to the superintendent, indicating our willingness to provide information regarding the private school exemption, but the superintendent answered with his claim that the families were not bona fide private schools. He then turned the families over for prosecution without any further contact.

Neither of the families have the money to file, and the only reprieve offered was a hearing before a judge to waive the fee. In HSLDA's seven years of representing home schoolers in every state of the union, never has a family been asked or required to pay money to the school district in order to be considered exempt under the law. HSLDA legal staff hopes to be able to resolve this matter shortly with the county attorney. Please pray for these families.

Indiana
New Problems Cropping Up

For the most part, home schoolers in Indiana have been recognized as private schools ever since the *State* v. *Peterman* case (70 N.E. 550) in 1904. Therefore, home schools, like private schools, need to fulfill basically three requirements: keep attendance records, provide instruction "for the number of days public schools are in session," and "provide instruction **equivalent** to that given in the public school." There is no require-

ment in the law that a home school family has to initiate contact with the local school district.

The *Peterman* case further interpreted this law, finding its purpose to be "that all children shall be educated, not that they shall be educated in any particular way" (p. 551). The Court also declared that "the result to be obtained, and **not the means or manner of attaining it**, was the goal which lawmakers were attempting to reach" (p. 552). However, certain school districts periodically impose more requirements on home schoolers than are allowed by law.

This year in the West Clark and Clarksville Communities and Greater Clark County, home schoolers are being faced with a new home school policy. It states that failure to return the forms "in a timely fashion will place the school system in a position of notifying the Child Protection Service and Clark County Prosecutors Office." The forms require information about teacher qualifications, test results, minimum minutes per subject per week, performance objectives, method of evaluation, and social interaction of the children. All of this "required" information, however, is not specified in the law or suggested by the *Peterman* case. Most of this information concerns the "means and methods" of obtaining an education in direct contradiction to the ruling by the Court of Appeals in *Peterman*. Attorney Chris Klicka of HSLDA is presently working with the local support group, River Falls Christian Association of Home Educators, to convince these three school districts to abandon their arbitrary policy.

School officials in New Albany-Floyd County want home schoolers to submit information about the length of school day, means used to evaluate progress, statements pertaining to methodology used, and parental qualifications. All of these requirements are in excess of the limitations set forth in the law. Likewise, home school families in Indianapolis have received various forms, requiring information on minutes of instruction, methods of evaluation, student performance objectives, and sundry aspects of the teaching-learning process. Still other counties are requiring home visits, curriculum approval, and meetings with school district officials.

The Indiana State Department of Education has added to the vagueness and varying interpretations of the law. Its most recent memo states: "Equivalent instruction is not defined by state law. In many counties, the prosecutor has defined equivalent instruction since he is charged with enforcing the law. The local school administration will be helpful in providing guidance about local practice." The memo further states that "attendance officers are required to visit homes." In short, the Department of Education is saying that local prosecutors have the power to make rules **and** prosecute rule breakers. However, the Department is in error because it is unconstitutional to allow prosecutors to legislate.

HSLDA legal staff has counseled many member families on how to respond to varying illegal policies being implemented in numerous school districts. Several school districts have retreated, and in several others contacts are pending. Attorney Klicka is preparing a memorandum which describes the limitations of the state under the compulsory attendance law for use with the troublesome school districts.

Kansas School Districts Challenge Parents

During the first few months of the 1990-1991 school year, HSLDA members have experienced more problems than in the past two school years combined. This situation has kept HSLDA legal staff very busy answering the many negative contacts.

Because there is no home school law in Kansas, HSLDA believes there are presently two ways a home school may operate: The home school must register as a "nonaccredited" private school with the Kansas Department of Education, or the home school must operate as a "satellite" of an existing Kansas private school. This legal arrangement is similar to eleven other states where home schools operate as private schools or satellite schools. The biggest problem, however, is the fact that by law "truants" have to be turned over to the SRS (Social and Rehabilitation Services) for an investigation to be followed with the SRS referring the family to the local prosecutor. This practice is unlike any other state, thus creating many complications when a home school family is contacted by the school district.

Each year several public school districts have challenged home schoolers' rights to exist. This year the number has increased.

A Miami County prosecutor has threatened to file a "child in need of care" petition against an HSLDA member unless the family provides information which exceeds the requirements of law. The prosecutor wants the family to tell if their children have access to a psychologist or counselor, if there are other siblings in the house who are not of school age, and if distractions are present in the home. He also wants to review the family's lesson plans and schedule of courses.

The real difficulty in this situation is that the law sets no standard as to what a family must provide in these areas. As a result, even if the family were to answer the questions, they could still be charged because it is up to the prosecutor's whim to determine if the information is sufficient.

Similarly, challenges have arisen in Augusta, Fredonia, Conway Springs, Prairie Village, Norwich, and Olathe. The Olathe SRS agent initially insisted on a home visit, but eventually retracted the demand, admitting that she did not have authority to enforce it. In Norwich the Melrose family, whose case was dismissed last year through the efforts of HSLDA, is now being harassed again by the local principal, who has reported their child truant.

Kansas has a vague law that allows for various misinterpretations. This means there will always be problems as different school districts each year attempt to eliminate home schools. However, since its founding in 1983, HSLDA has been blessed by the Lord with victory in every case it has had in Kansas. Not a single family has had to stop home schooling. Pray for God's hand of protection in Kansas as HSLDA's Senior Counsel, Chris Klicka, negotiates on behalf of these families.

Michigan Supreme Court Rules Favorably

On October 17, 1990, God answered the prayers of thousands of home schoolers by causing the Michigan Supreme Court to rule favorably in the *People* v. *DeJonge/ Bennett* case (No. 87978), which has been handled by HSLDA lawyers since 1984. The Court ordered that the Michigan Court of Appeals must reconsider its November 1989 decision in light of several recent, favorable rulings (to the DeJonges' and Bennetts' position) by the United States Supreme Court and the Michigan Supreme Court. This procedure to require a lower court to reconsider its opinion is rarely used and is certainly beneficial to home schoolers in this case.

The November 1988 decision of the Court of Appeals in the *DeJonge* case found the teacher certification requirement to be constitutional and proper for the state to impose on home school parents. The Michigan Supreme Court, by its order for reconsideration, has stated in essence that the Court of Appeals was wrong. HSLDA is optimistic that the Court of Appeals may reverse its earlier decision as a result of this pressure from the Michigan Supreme Court.

This news is very encouraging for Michigan home schoolers since the state has already this year easily taken first place in the number of HSLDA members contacted and threatened by public school authorities, child welfare workers, police officers, and prosecutors. Although Michigan is plagued with teacher strikes and a failing public school system, the state and many local school districts have continued to pursue home schoolers aggressively with the requirement that parents be certified.

The Michigan Supreme Court decision, however, will give HSLDA the leverage to hold off further prosecution because it casts doubt on the future survival of teacher certification in Michigan. It will probably take the Court of Appeals another 6 months to a year before it issues a new opinion. Praise God for this answered prayer, and pray that He will move the hearts of the three judges on the Court of Appeals to find teacher certification an unconstitutional restriction on parental rights.

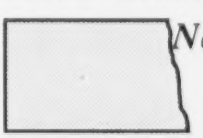
Massachusetts: Trouble Brewing

HSLDA members throughout Massachusetts have experienced more trouble this fall than in any previous school year. Nearly 60 families have been faced with home school policies—many of them newly created this year—which exceed the law and overly restrict the home schoolers. Of this number only 16 have been "approved" by their school districts thus far; the rest are being negotiated.

Many of these troublesome school districts have imposed requirements which exceed the law. Examples include home visits (which is a violation of the families' right to privacy and the Fourth Amendment), testing done only in the public schools, registration of the home school student with the local public schools, and periodic meetings with public school officials to review progress or require testing using the public school standardized tests. Often qualifications of a parent with a high school diploma are challenged by the school district. Massive forms demanding excessive information are then required to be signed by the home schoolers.

In response to the school districts which have insisted that families place their children in public school during the time their home school programs were under consideration, HSLDA has merely sent them a copy of the *Searles* case. (See article on p. 2.) This has motivated many retractions.

Attorney Klicka of HSLDA is negotiating with dozens of superintendents and school board lawyers throughout the state in order to convince them to waive their objectionable monitoring requirements. Please continue to pray that God would keep His hand of protection on the home schoolers in Massachusetts.



North Dakota Battle Continues

In March of this year the Department of Public Instruction held one public hearing concerning some objectionable regulations for home schooling. (See Spring 1990 Issue of the *Home School Court Report*. At that time Clinton Birst of the North Dakota Home School Association, Attorney Greg Lange, Attorney Chris Klicka of HSLDA, Professor Greg Aloia of New York, and several local home schoolers testified against certain aspects of the regulations.

The State then wrote a new draft, changing many of the objectionable areas and adding some new requirements. Another new draft was written this fall with even more restrictive requirements and new surprises. None of the new requirements in these two additional drafts were ever discussed with the benefit of a public hearing as is required by state law. As a result HSLDA has secured Attorney Greg Lange to research the possibility of challenging these restrictive regulations on the grounds that no public hearings were held on the new requirements added to the later drafts.

One of the most objectionable demands is a mandatory aptitude test which all students have to take, including children who score above the 30th percentile on a standardized achievement test. The results of this aptitude test can be subjectively used to demonstrate that the child who scores above the 30th percentile did not score high enough according to his aptitude levels.

In yet another development the state officials are sending a revised "notice of intent" form to North Dakota home schoolers. Signature on this form indicates that the home schooler agrees to follow the new restrictive regulations. HSLDA members who have received this second form should not return it, since they have already filed the original notice of intent form at the beginning of the school year. All questions about this matter should be directed to HSLDA legal counsel.

The North Dakota Department of Public Instruction needs to be monitored regularly. HSLDA urges North Dakota families to join and support the North Dakota Home School Association so it can continue its efforts in alerting home schoolers to the latest developments. Contact NDHSA by writing to P.O. Box 539, Turtle Lake, ND 58575 or calling (701)-448-9193. NDHSA regularly sends out an informative newsletter. You won't want to be without this information.

ABCDEFGHIJKLM

TESTING SERVICE FOR HOME SCHOOLERS

NOPQRSTUVWXYZ

BEST COPY AVAILABLE

What is standardized testing?

Achievement testing plays a major role in education throughout the United States. Most published achievement tests are called "standardized tests." These are norm-referenced tests that measure a student's level of achievement in various content and skill areas by comparing his test performance with the performance of other pupils in some general reference group (e.g. a nationwide sample of students at the same grade level).

The distinctive features of a standardized achievement test include a fixed set of test items designed to measure clearly defined objectives, specific directions for administering and scoring the test, and norms based on representative groups of individuals like those for whom the test was designed. The standard content and procedures are the elements that make it possible to give an identical test to individuals in different places at different times.

Many different brands of standardized tests are available, and they all provide essentially the same type of evaluation data: e.g. *Iowa Tests of Basic Skills* (ITBS), *Metropolitan Achievement Tests* (MAT), *California Achievement Tests* (CAT), *Comprehensive Tests of Basic Skills* (CTBS), *and Stanford Achievement Tests* (SAT).

Although similar in content, comparisons of progress from year to year using different tests can be very misleading since it is important in interpreting test data that the frame of reference be limited to the same standardization group. Thus, parents are wise to select a program of achievement testing and generally stay with it so that comparisons can be limited "apples to apples."

Take care to avoid confusing the SAT *(Stanford Achievement Tests* for elementary and secondary students) with the SAT *(Scholastic Aptitude Test* which is taken by high school juniors or seniors as a college entrance examination). These are two totally separate testing instruments. Our home school testing service will not be offering college entrance examinations.

Is it wise to use standardized tests to measure a child's achievement?

A great deal of controversy surrounds the testing industry today. Many educators are concerned that too much reliance is being placed upon pencil and paper assessments, thus causing a de-emphasis on evaluating a student's actual performance by what he or she knows. Many home-schooling parents are concerned that the content of standardized achievement tests does not reflect the focus of the family's curriculum, thus creating an invalid measurement. Others are concerned that a poor test performance might jeopardize their ability to continue working with their children.

The validity question—that the test is designed to measure what the student has mastered—is an important one in determining the value and limitations of standardized testing. It is also crucial for officials and parents alike to remember that a test is only one indicator and that any indications it gives (positive or negative) are like symptoms which should be verified through other means before any drastic decisions are made. Standardized testing does not have to be harmful if it is used in the spirit of its design.

Why have a testing service for home schoolers?

In recent months The Psychological Corporation, a major publisher of standardized tests, made the decision to no longer sell its tests to home school suppliers. The Psychological Corporation was concerned that these suppliers were not implementing adequate procedures to guarantee proper test administration, and the company had received reports of copyright infringements. It is entirely possible that other test publishers will consider similar policies as the industry tightens its security.

Michael Farris, President of Home School Legal Defense Association and Director of the National Center for Home Education, contacted a representative of The Psychological Corporation to see if an alternative program could be worked out to assure the company of testing accuracy and security, while preserving access of the home-schooling community to these tests. The result of those discussions is our special testing service for home schoolers. We also believe that proper test administration will provide continuing reinforcement for the viability of home schooling as an educational alternative and is likely to be helpful in court situations and legislative debates concerning the regulation of home schooling.

Please understand that the following procedural requirements were not arbitrarily formulated by the National Center, but are the result of negotiations with The Psychological Corporation for the least restrictive policy that would satisfy their concerns while still allowing homeschoolers to use the tests.

The Psychological Corporation has had an excellent working relationship with the Christian School movement for many years; thus, we look forward to a good experience using the *Stanford Achievement Test.*

Does offering a testing service indicate that HSLDA and the National Center endorse standardized testing?

We do not want anyone to mistake this program for a blanket endorsement of standardized testing. Such testing is overused in our society and often misused. We are opposed to any legislation which requires compulsory testing of all home school children. We simply want to be able to provide standardized testing for those families who desire to use it.

Use of any specific achievement test does not mean that the National Center for Home Education endorses its contents from the standpoint of moral values, philosophy, theology or scientific hypotheses. The goal of providing a test with nationally recognized norms requires the use of such tests.

What test will the service offer?

We will be offering parents the opportunity to have their children take the *Stanford Achievement Test, Eighth Edition, Form J.* In states where the *Metropolitan Achievement Test* is required, we can provide that instrument to home-schooling families.

What does the *Stanford Achievement Test* cover?

According to the publisher's description, "The content tested by *Stanford* was developed to have the highest possible degree of curricular validity for the concepts and skills taught in classrooms throughout the

How much time does it take to administer a Stanford Achievement Test?

The administration time for the *Stanford* varies according to test level and whether the complete or basic battery is chosen. The chart indicates which level should be selected according to the student's grade level and the maximum number of minutes allowed for each battery. Basic battery excludes the subtests for Environment, Science, and Social Science (Social Studies); complete battery includes all subtests for the level involved. Obviously, the testing time must be spread over an appropriate number of days to enable students to do their best in the assessment. One-day marathons are deeply detrimental to the process and to the student's self-esteem.

Test Administration Maximum Time Requirements

SAT TEST LEVEL	BASIC BATTERY	COMPLETE BATTERY
SESAT 1	105 minutes	135 minutes
SESAT	140 minutes	170 minutes
Primary 1	250 minutes	280 minutes
Primary 2	255 minutes	285 minutes
Primary	300 minutes	360 minutes
Intermediate 1	285 minutes	345 minutes
Intermediate 2	285 minutes	345 minutes
Intermediate 3	285 minutes	345 minutes
Advanced 1	285 minutes	345 minutes
Advanced 2	285 minutes	345 minutes
TASK 1	175 minutes	225 minutes
TASK 2	175 minutes	225 minutes
TASK 3	175 minutes	225 minutes

nation. Unlike other achievement series, the new *Stanford* is not just a basic skills test. *Stanford* covers basic skills as a prerequisite to acquiring higher order concepts and knowledge. *Stanford* goes beyond basic skills to measure reasoning, thinking, analysis, and synthesis."

The best preparation for the test is a good night's rest and a nutritious breakfast. Attempting to "study" for a standardized achievement test only contributes to a child's anxiety level, thereby producing less than the desired result. Preparation for achievement tests is done during the entire year of academic training.

How does the testing service work ?

If you decide you want your child(ren) to be tested with the *Stanford Achievement Test*, you will need to notify the National Center on the attached form. We will respond by giving you the names of qualified test administrators in your area. You will need to contact the one with whom you want to work and make arrangements for the test dates. The administrator will then order the materials from the National Center, administer the test, and return it to the National Center for scoring. We will send the test to The Psychological Corporation for computer scoring. When the scores are received, we will mail them directly to you.

How much does the testing service cost?

Testing materials and scoring services are available to home schoolers at a fee of $20.00 per child. Members of Home School Legal Defense Association will receive free test materials and scoring services.

All recipients of the testing service will be responsible to work out appropriate fees for testing administration with their administrator.

May I administer the test to my own children?

One of the stipulations made by The Psychological Corporation in forming our testing service is that parents may not administer the tests to their own children. The "one on one" tutorial relationship of home schooling can heighten the temptation in some situations to assist children inappropriately during the testing format. We are eager to not have "our good be evil spoken of," and thus are encouraging qualified parents to trade testing responsibilities with each other so that no question can ever be raised about the integrity of your child's scores.

What qualifications are necessary to be a test administrator?

National Center test administrators must meet two requirements:

1. Have a four-year college degree (B.S. or B.A.) in any discipline.

2. Fulfill one of the following training obligations:
   a. Certification as a teacher in any state

   or

   b. Experience as a classroom teacher in a traditional school (should include experience administering standardized tests)

   or

   c. Successful completion of a special one-day training seminar in standardized test administration (to be offered regionally).

Potential test administrators can register with the National Center for Home Education by completing the form attached to this information packet.

Are there any costs involved in becoming a test administrator?

Test administrators will need to have a basic set of materials in order to do their work:

1. Test Coordinators Handbook..... $ 17.00
   (Published by The Psychological Corporation)

2. Directions for Administering..... $ 6.50 ea.
   (Specific to the form and level of each test)

3. Training Syllabus..... $ 25.00

4. Training Seminar Registration..... Varies

Since costs will vary for each one-day seminar (e.g. facilities and trainer's costs), these will be announced with each scheduling. It is the National Center's goal to have these be no more than $25.00 per one-day session.

We are currently working with The Psychological Corporation to achieve appropriate discounts on their materials. Any discounts offered will be passed along to the test administrators in the program.

What fees may a test administrator charge?

The National Center encourages state home-schooling organizations wherever possible to support the efforts of people to become qualified as test administrators and to render the services of test administration. Local support groups can do much as well to make testing less costly and more convenient. For example, in areas where several home schoolers live, it would be advantageous to combine families for testing services so that one administrator could test the nine-year-olds of several families simultaneously. Another possibility is using the facilities of a local church on a rent-free basis so that costs can be kept to a minimum.

We know that there are many friends of home education throughout our country who want to volunteer their time to minister to families with qualified test administration services. We also know that facility costs and even the necessity for some to have test administration be their home business will require the setting of nominal fees. We leave the decision of what fees to charge to the discretion of each administrator.

Payment of administration fees will be the responsibility of each family seeking testing services; the National Center provides only the names of the administrators, the test materials, and scoring services.

Who trains the test administrators?

Any person who meets the following requirements can be a test administrator trainer.

1. Must have a master's degree (M.A. or M.S.) in education or an education-related field

   or

   a master's degree in a given field with a state teaching certificate.
2. Must have experience in administering standardized tests and evaluating results.
3. Must participate in person or by video in a Trainer-Orientation Seminar offered by the National Center for Home Education.

Ethics in Testing

Professional groups have published statements indicating ethical practices relative to the use of standardized tests. Here are several considerations regarding ethical practices applicable to the preparation for and administration of tests.

ETHICAL PRACTICES

I. **It is both ethical and advantageous to** inform students in advance that they are about to take a standardized test and to tell them something about the nature of the test.

II. **Teachers should feel free to** explain the mechanics of taking a standardized test, and students can be given practice in filling out an answer sheet.

III. **It is perfectly proper to** try to motivate students to do as well as they can as long as they are not threatened or made anxious about their performance.

IV. **It is essential that** all standardized test materials be kept secure.

V. **After an examination** has been administered and scored, it is permissible and wise for teachers to examine the results and determine areas of student weakness.

UNETHICAL PRACTICES

I. **It is unethical for teachers to** examine the content of standardized tests and to use that specific content in their classrooms.

II. **It is unethical for teachers to** use standardized test items on their own examinations.

III. **It is unethical for teachers to** try to improve pupil performance by developing items that parallel those on standardized tests.

IV. **It is unethical to** alter in any way the directions, time limits, and scoring procedures of any standardized test.

V. **It is unethical to** assist a student beyond what the directions for administration permit.

Potential trainers can register with the National Center on the form provided in this packet. Costs which apply to test administrators will be incurred by trainers as well. In addition, trainers will need to purchase or rent the *Pretest Workshop Kit* (a set of transparencies with workshop text) provided by The Psychological Corporation. Current retail cost of this kit is $200.00.

The National Center encourages state home-schooling organizations to sponsor trainers so that services can be offered locally to their members.

Where will training seminars and trainer-orientation sessions take place?

We will set up meeting places wherever concentrated numbers of potential administrators and trainers desire them. Once trainers have completed trainer-orientation seminars, they are free to set up training seminars wherever there is sufficient interest to warrant a meeting. Trainers will receive an honorarium from the receipts of registration fees.

The National Center encourages state home-schooling organizations to schedule training sessions in conjunction with regional and statewide conventions and book fairs. State organizations are free to schedule training throughout their areas.

Is there any special time frame during which the Stanford must be administered?

When taking standardized achievement tests, it is important as much as possible to have the test administered during the same calendar period in which the norms were developed. This yields the most accurate score. Fall testing with the *Eighth Edition Stanford* should occur between **September 15** and **October 8;** Spring testing should occur between **April 1** and **April 30.** Exceptions to this schedule can be made; however, special arrangements will be required for scoring, and norms will have to be interpolated for these.

TESTING SERVICE FOR HOME SCHOOLERS

Family Registration Form

Name of Parent Coordinating Testing _____

Street Address _____

City _____ State _____ Zip _____

Telephone ( ) _____ Best time to call? _____

Are you members of Home School Legal Defense Association? Yes ❑ No ❑

If yes, indicate anniversary date: Month _____ Year _____

When do you desire to have your children tested? Spring (April 1 - 30) ❑ Fall (Sept. 15 - Oct. 8) ❑

Note: HSLDA members are entitled to one free test per child during each year of membership.

Do you know a qualified test administrator? Yes ❑ No ❑

If yes, please complete the following:

Name _____

Street Address _____

City _____ State _____ Zip _____

Telephone ( ) _____ Best time to call? _____

Is this person currently registered with the National Center as a test administrator? Yes ❑ No ❑ Don't know ❑

On the chart below, write the name and birthdate of each child to be tested next to the level appropriate for his/her academic experience. If children have a surname different from family, please indicate on the form below.

Spring Testing

GRADE	LEVEL	CHILD'S NAME & BIRTHDATE
K	SESAT 2	
1	Primary 1	
2	Primary 2	
3	Primary 3	
4	Intermediate 1	
5	Intermediate 2	
6	Intermediate 3	
7	Advanced 1	
8	Advanced 2	
9	TASK 1	
10	TASK 2	
11	TASK 3	
12	TASK 3	

Fall Testing

GRADE	LEVEL	CHILD'S NAME & BIRTHDATE
K	SESAT 1	
1	SESAT 2	
2	Primary 1	
3	Primary 2	
4	Primary 3	
5	Intermediate 1	
6	Intermediate 2	
7	Intermediate 3	
8	Advanced 1	
9	Advanced 2	
10	TASK 1	
11	TASK 2	
12	TASK 3	

Return this form to: National Center for Home Education, Attention: Testing Service, P. O. Box 125, Paeonian Springs, VA 22129.

Test Administrator/ Administrator Trainer Application

Name _____

Street Address _____

City _____ State _____ Zip _____

Telephone ( ) _____ Best time to call? _____

Educational Background:
Please list all institutions attended since high school graduation.

INSTITUTION	LOCATION (CITY, STATE)	DATES	DEGREES/CERTIFICATES

Are you a certified teacher? Yes ❑ No ❑
If yes, what State _____ Level _____
Expiration Date _____ Certificate Number _____

Briefly describe any experience you have had in standardized test administration.
Indicate where experience was obtained as well as the nature of your responsibilities.

_____

_____

_____

_____

_____

Are you applying for recognition as a test administrator? Yes ❑ No ❑
As a trainer of test administrators? Yes ❑ No ❑

Are you planning to attend a one-day training session? Yes ❑ No ❑
A one-day trainer orientation seminar ? Yes ❑ No ❑

Administrators: Please include a photocopy of your certificate or college degree.
Administrator Trainers: Please submit copies of all college transcripts.

Return all application materials to:

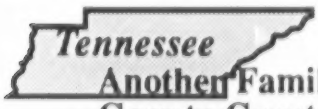
National Center for Home Education, Attention: Testing Service
P. O. Box 125, Paeonian Springs, VA 22129

Rhode Island District Retracts Unlawful Demand

On September 20th the Coventry School District in Rhode Island retracted its requirement that the Holt family bring their child into the public school for an annual interview as a condition for approving the family's home study program. The change in position occurred the day before the matter was to be tried before a hearing officer in the State Department of Education.

Because Michael Farris was already in Rhode Island for the scheduled hearing, he met with the school district's lawyer to assess the new position prior to agreeing to the cancellation.

While earlier Rhode Island cases had established the right of school districts to ask for test results, interim HSLDA cases established the principle that the parents could select the test, the test administrator, and the location of the test. Attorney Farris argued in the brief prepared for the hearing that the additional requirement of producing the child for an "inspection" was not mandated by state law and was an unconstitutional invasion of the family's rights.



Tennessee Another Family Goes to Court

Tennessee's rule that parents teaching high school students must have a college degree has resulted in another legal battle. After successfully teaching ninth and tenth grades, Stephen and Carol Davenport are going to court while their daughter continues her eleventh grade studies.

The Commissioner of Education has twice denied the Davenports' request for an exemption from the baccalaureate degree requirement.

Charges were threatened against the family last year, but were withheld through God's protection and much correspondence between the Davenports and the Commissioner of Education and between Home School Legal Defense and the Rutherford County School District. For the Davenports, the most difficult aspect of teaching their high school student has not been Algebra II, but two years of sitting on the edge of their chairs not knowing if they would have the opportunity to finish the grade level.

While the appeal of *Crites* v. *Smith* is waiting to be heard before the Tennessee Court of Appeals, Attorney Larry Crain of Brentwood, secured by HSLDA, will be making many of the same arguments in defense of the Davenports. The trial date is October 31, 1990, in Murfreesboro.

Texas Districts Exceed Limitations

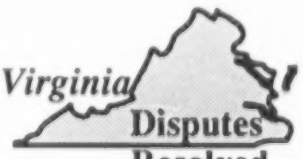
Certain school districts in Texas have passed new home school policies to restrict home schoolers. Many of these policies exceed the limits placed on school districts by the court in *Leeper* v. *Arlington Independent School District*, No. 17-88761-85, Tarrant County, 17th Judicial Court, 1987.

In McKinney, home schoolers woke up on the morning of September 10 to discover from the newspaper that the Board of School Trustees was going to vote on approving a home school policy that night. The new policy would require a "visiting teacher" to visit homes and approve curriculum of home schoolers. One school official believed that home schools needed to follow the Texas Education Agency's curriculum in twelve subjects.

Dean and Ruth Wagner, local home school support group leaders, contacted Chris Klicka of HSLDA, who counseled them on how to respond to the school district. Attorney Klicka faxed them information on the illegality of home visits and key objections to the policy based on the *Leeper* case. In spite of the short notice, the Wagners and many home schoolers from McKinney and neighboring Richardson Counties attended the Board meeting that night. Some were able to testify.

By the end of the evening, the Board voted to table the home school policy and rejected any kind of home visits. The Board had no idea that there were so many home schoolers in the area and had developed much respect for them as a result of the positive testimony. The local superintendent even stated, "Our intent is not to create any problems with home schoolers. Parents are the first and most important teachers of their children."

Several dozen school districts throughout the state have attempted to enforce other improper home school policies against HSLDA members, all to no avail. Most improper policies involve forms which require information far in excess of the limits of the law. Some school districts, such as Friona, want home schoolers to submit test scores. These districts also plan to send public school monitors into the homes. Many school districts attempt to require meetings in which curriculum of home schoolers would be approved. We are glad to report that at the printing of this newsletter, all the school districts have cancelled their improper demands due to God's gracious protection and the wisdom He has granted in negotiations HSLDA members and legal staff have had with officials.



Virginia Disputes Resolved

In the summer edition of the *Court Report* several challenges to Virginia home schoolers in various school districts were listed. By God's grace through intensive negotiations on the part of HSLDA's legal staff, nearly every situation has been resolved. Only a couple are still pending.

- **Home School Law Conflicts Settled**

More than in any previous year, local school districts have imposed on home schoolers arbitrary policies which contradict state law. Several counties have challenged home schoolers because their children scored below the 40 percentile. Many of these situations involved families who had their third graders tested in the public schools. After HSLDA discovered that the Virginia

Tracy and Kathleen Johnson and Brenda and Gary Morgan pause in front of the Virginia Supreme Court Building in Richmond after they won the right to hae their case considered. Only one out of every 50 cases is accepted by this court.

Department of Education made a mistake on the scoring of third graders tested, our legal counsel confronted the local officials with those facts. Several school districts then decided to recognize the home schoolers as having satisfied the law.

Other counties in the state (such as Rappahannok and Stafford) refused to recognize the submission of evaluations in lieu of test scores as a legal option. Louisa County decided this year to prohibit anyone without a college degree from home schooling. Prince William County and a couple other school districts told families who decided to withdraw their children from public school that they could not home school until next year because they had missed the August 31 deadline. By God's grace, however, all but two of these situations have been resolved by HSLDA.

Numerous school districts have rejected evaluations because they were not thorough enough, and other school districts have rejected home school families' learning objectives for similar reasons.

• Religious Exemptions Advance

One of the most important developments in the state is that the Virginia Supreme Court has decided to hear the *Johnson and Morgan* v. *Prince William County School Board* case (Record Nos. 900988 and 900989). This case involves two HSLDA families who were denied statutory religious exemptions by the Prince William County School Board in 1988. The school board gave no reason for the denial. Chris Klicka of HSLDA appealed the case to the Circuit Court, arguing that the school board's decision was arbitrary, exceeded its authority, and was an abuse of its discretion.

After the Circuit Court affirmed the school board's decision, the case was appealed to the Virginia Court of Appeals, who then bumped the case up to the Virginia Supreme Court. Early in September Attorney Klicka argued the case before three Supreme Court Justices in order to convince them to take the case since they had the discretion to either accept or reject it. On September 24, the Virginia Supreme Court agreed to take the case. We are excited about this tremendous opportunity to clarify the religious exemption law.

Attorney Klicka will be submitting a brief to the court next month, and oral arguments will eventually be scheduled before the full court early next year. Please cover this case with your prayers, asking the Lord to work in the judges' hearts so that they might rule justly.

Other developments include the granting of religious exemptions to the Wilkersons in the City of Newport News, the Taylors in Clark County, and the Spears in Page County. Numerous religious exemptions are still pending throughout the state. Some areas (like Colonial Heights and Hampton City Schools) have been giving HSLDA members seeking religious exemptions a difficult time.

The *Wade* v. *Mecklenberg County School Board* religious exemption case, after pending almost two years, has been voluntarily dismissed by HSLDA because the Wade family moved out of the county. During the two year appeal, however, this HSLDA family was able to continue to home school without any monitoring or controls.

Note: Members who have been granted religious exemptions but have not notified HSLDA, should send a copy of their religious exemption letter to our office. These letters are very helpful to the legal staff in persuading other school districts to grant religious exemptions. □

Notes of Gratefulness

Dear HSLDA,

We just wanted to write and thank you for all you do to ease our minds concerning the legalities of our choice to teach our children at home. This is our first year and so far it has been a real answer to prayer. . . .

This morning we noticed that our local public school teachers are on strike and picketing. . . . This brought on much discussion among us and the children. The children are both disturbed by the fact that these teachers care so little about the kids that money is more important to them than teaching. . . . It just stands to reason that the education our children get from parents who love them and are concerned about their future will be superior to the education they would get from teachers who are concerned only about their future and their financial gain even at the expense of the children.

Thanks again for your devotion to The Cause. We uphold you in our prayers in our little classroom and will always be pleased to send our membership fees in so that you can continue your good work on behalf of all of us who are unable to do it for ourselves.

A Ypsilanti, MI, Member Family

Dear HSLDA Staff,

After being involved in the EEE case here in S.C. and seeing all of the work that was involved in preparing for it, our family is once again so thankful for the Home School Legal Defense Association. Just graciously handling our numerous phone calls blessed us—but to see a part of your work in action really confirmed to us just how blessed home schoolers (especially us!) are to have your expertise working for us!

So, to say a small thank you for all that you do seems like the very least we can do. God bless you—each one of you!

A South Carolina, Member Family

Meet Chuck Hurst

Membership services . . . Have you ever stopped to consider what this department does? These incredibly busy people answer your telephone calls, open the daily flood of mail, review applications, enter new families into the data base, make new files, process re-enrollments, and plow through the reams and reams of filing.

Ordering this process and meeting the day-to-day operational needs of HSLDA, is Charles L. Hurst, our Membership Services Director.

Charles, known locally as Chuck, dispatches his responsibilities with diligence and creativity. His diverse background uniquely qualifies him for the position he holds with HSLDA.

Trained in the field of education, Chuck taught on the junior high and high school levels for over nine years. Sensing God was leading him in a different direction, he left the teaching profession in the spring of 1988. Chuck's training in the social sciences had created a strong interest in the field of law, and he began exploring various options for entering that profession. It was during this time that he first came into contact with HSLDA.

Chuck followed up this prompting by completing the lawyers assistant program at Roosevelt University in Chicago. Between the time he left teaching and his employment at HSLDA he did construction jobs with several men from his church.

After graduating, Chuck began looking for employment in the field of law. He sent HSLDA a resume and in September 1989 received a call regarding an opening. Before flying to Virginia for the interview, Chuck and his wife, Dianne, sensed that this was the position for which God had been preparing him. After a year of working here, Chuck attests that this was indeed the case.

A background in teaching provides Chuck with insight into many of the educational problems families face, while his paralegal training gives him a working understanding of the legal complexities involved in home schooling. Additionally, God has used Chuck's experience in construction (along with his gift of servanthood) for assembling a variety of office equipment and overseeing our remodeling projects.

Chuck and Dianne are thrilled that God has led them to Virginia, and that He has allowed them to serve you through their ministry at HSLDA. Dianne also taught at the high school and university levels for eight years and has been involved in developing home education curriculum for ATIA. Chuck and Dianne have three adorable children, Jennifer (6), Jackye (4), and Jacob (7 mos). □

Staff Changes

Ruth Ritchie, who has worked part time for HSLDA in membership services for the past year, has become a full-time employee and taken Susan Dawson's place as Chris Klicka's legal assistant. Ruth is a native of the Washington D.C. area.

Lisa Minko recently joined our staff to work in membership services. Lisa's responsibilities include taking turns at the receptionist desk, entering new members into the data base and helping with the ever mountainous stacks of filing. A northern Virginian, born and bred, Lisa heard about HSLDA and a possible employment opportunity through friends in her church. She is a delightful addition to our staff, and we are pleased to welcome her. □

Upcoming HSLDA Speaking Engagements

Listed below are the conferences where HSLDA staff will be speaking. We encourage home schoolers to attend these conferences for fellowship, teaching tips, and legal and legislative strategies. Please contact us if you are interested in obtaining an HSLDA speaker.

West Virginia Home School Workshop
(Gregg Harris)
November 9-10 — Charleston, WV
J. Michael Smith
Contact: Penny Fox
(304) 462-8296

Wisconsin Home School Workshop
(Gregg Harris)
November 16-17 — Milwaukee, WI
Christopher J. Klicka
Contact: Jan Gnacinski
(414) 637-5121

Hawaii State Conference and Curriculum Fair
February 1-2, 1991 — Oahu, HI
Michael P. Farris
Contact: John Alejado
(808) 689-6398

Hawaii Conference
February 4 & 5, 1991 — Hilo, HI
Michael P. Farris
Contact: Connie Siler
(808) 968-8076

6th Annual Indiana Convention of Home Educators
February 22-23, 1991 — Indianapolis, IN
Michael P. Farris Inge P. Cannon
Contact: Joyce Johnson
(317) 782-3397

Texas State Home School Conference
March 1-2, 1991 — Austin, TX
Christopher J. Klicka
Contact: Donna Harp
(512) 280-4673

Heart of Illinois Convention of Home Educators
March 23, 1991 — Peoria, IL
Inge P. Cannon
Contact: Carol Klopfenstein
(309) 692-8813

BJU H.E.L.P. Conference
June 3-7, 1991 — Greenville, SC
Inge P. Cannon
Contact: BJU Conference Coordinator
(803) 242-5100 ext.2900

HSLDA Introduces New Board Member

At the July 1990 meeting of the ɔme School Legal Defense ssociation's board of directors, Jeff hell was voted in as a new board ember. Jeff and his wife, Bettie, have ee children: Jennie (18), David (16), d Julie (12). They have been home hooling for the past nine years and ve been active participants and leaders their state home school organization.

The Ethells' path to home schooling rather atypical, even for individualis-, hard-to-categorize home schoolers. all started when, after graduating from llege and taking several seminary urses, Jeff and Bettie opened the chmond Youth Challenge, a home for oubled teens. Supported entirely by ith, their ministry took in young people ruggling with the problems of drug diction, alcoholism, and the turmoil of oken homes.

After six years and two babies, Jeff d Bettie realized their ministry was king all of Jeff's time and that his mily was being short-changed. Jeff lieved that he had a choice to make— s family or the ministry of Richmond outh Challenge. From his experience orking with troubled teens, he knew at young people were often in trouble ecause they came from broken homes because their parents had not put the mily first. He had even worked with ildren from ministers' homes who had en neglected while their fathers min-ered to the needs of everyone else. ff purposed that his children would not ffer such a fate.

Determined to choose his family and onor the Lord, Jeff left Richmond Youth hallenge for his current occupation: riting books and articles about aviation. e is also a commercial pilot and a flight structor.

Jeff's change in occupation acted as e catalyst to home schooling for the thells. Research for his books and ticles began taking him away from ome for weeks at a time. Again the thells were faced with a decision. Not anting to desert his family for his job, ff realized he would either have to find her work or find a way to take Bettie nd the children with him.

Bettie and Jeff Ethell (rear) are pictured with their three children: David, Julie, and Jennie (l. to r.).

Deciding to explore their options, Jeff and Bettie began taking the children out of school for a few weeks at a time so that the family could accompany Jeff on his trips. They obtained assignments from the teachers, and Bettie gave the children instruction while they traveled. Upon returning, they consistently discovered that the children had moved ahead of their classmates academically by a week or more of traditional instruction time.

The Ethells continued this practice, and the trips started stretching to a month or more. Each time the children re-entered their classrooms, they were found to be even further ahead than before.

Finally, Bettie suggested that they just take the children out of school altogether. Reared in Brazil, the daughter of missionaries, Bettie was taught at home in the elementary grades with the Calvert curriculum. Therefore, she knew that what she was proposing could be done.

The school district did not oppose the Ethells' plan to remove the children from school since all the paper work involved with their "leaves-of-absence" was becoming a hassle.

The Ethells knew that the schools were godless. But it wasn't until they began home educating that they realized their responsibility for their children's education included training them to maintain the values of the Christian life and providing an environment to reinforce a godly life-style.

Originally, Jeff and Bettie had planned to re-enroll their children in traditional school for their high school years. But when the time for that decision came, they discovered that it had actually been settled long ago. First, the children were two to three grades ahead of their traditionally-schooled counterparts. Putting them back into the system would have sentenced them to boredom. Second, the Ethells were committed to providing an atmosphere for their children's continued spiritual growth. On that basis alone, the public school environment was not an option.

Having stumbled onto home schooling as if by accident, the Ethells were not aware that anyone else was doing it. Soon they began hearing of other home schoolers, however, and then, in the early 1980s, they came into contact with HEAV (Home Educators Association of Virginia). Their involvement led to a term as president for Jeff in 1987, a role which he fulfilled until this summer when he resigned to become an HSLDA board member.

We are excited to welcome Jeff to his new responsibilities and look forward to watching how God will use his life in furthering the cause of home schooling during the years that lie ahead. □

"Let your moderation be known unto all men. The Lord is at hand.

"Be careful for nothing; but in every thing by prayer and supplication with thanksgiving let your requests be made known to God.

"And the peace of God, which passeth all understanding, shall keep your hearts and minds in Christ Jesus."

Philippians 4:5-7

Another Good Reason to Home School?

Christopher Armour, 4, and his brother Vaughn, 5, walk to school in New York City wearing bullet-resistant clothing.

Responding to a rash of random gunshot killings of children in New York City this summer, a company has begun marketing bullet-resistant vests and other protective items for pupils.

Stephen L. D'Andrilli, a former New York City police officer who is now president of Guardian Group International Corporation, says the New York-based company has already taken more than three dozen orders from parents of schoolchildren.

The company markets protective clothing and other items ranging in price from $250 to $600. A jacket made with Kevlar 129 protective pads sells for $450.

"Six months ago, the idea of bullet-resistant clothing for one's child would have been considered irrational," Mr. D'Andrilli says. "The fact that New Yorkers and people throughout the world need protective clothing, especially for children, is a terrible reflection of the collapse of law and order in our society."—M.W. □

Reprinted with permission from *EDUCATION WEEK*, Volume X, Number 3, September 19, 1990.

Notes for Members

Many of you send us articles and cartoons on issues relevant to home schooling. Although we are not always able to write and acknowledge the articles we receive, please know that they are very valuable to us and we are grateful for the time you take to keep us informed.

Over the past year HSLDA has experienced a 30% increase in its membership! We praise the Lord for this evidence of His continued blessing as we serve the growing number of home schools across the nation.

Q: HSLDA is organized into three departments. What are they?

A: Legal, Membership Services, and National Center.

I Corinthians 15:31

Whether therefore you eat, or drink, or whatsoever ye do, do all to the glory of God.

HELP WANTED

Please give our receptionist the following information whenever you call:

1. Your family ***NAME***, including the names of both parents.
2. Your membership status — ***when*** did you become a member?
3. Your ***State*** of residence.
4. The general nature of your call — are you calling about a ***legal*** matter or a matter regarding ***membership***?

"Helpers" will "earn" our greatest appreciation!

THANK YOU!

You have been so understanding toward our staff during the very busy season we've just come through! From July through September we processed *thousands* of applications and calls. *Thank you* for your patience — you've been great!

ew, Exciting, Sensational! Video On Home Schooling

Have you ever received a look of sbelief or, at best, skepticism, when ou tried to explain to family and friends at you are teaching your children at ome? One solution to this recurring oblem may be the newly-released ome-schooling video, produced by ission City Television in San Antonio, exas and available through HSLDA.

Fast-paced and informative, this 30-inute video deals with the "who, what, here, when and why" of home school-g.

Designed to positively acquaint ewers with the concept of home hooling, the video is appropriate to are with grandparents, friends, "nosy" eighbors, local officials, and legisla-rs.

Beginning with a brief history of the ome-schooling movement, the tape oves to interviews with home-schooling aders and parents. They explore the otivations for home schooling, the riptural foundation for parents training eir children, the legality of the home ducation option, and the type of people ho have accepted this ambitious chal-nge.

The video also addresses the oft-cited oncerns expressed whenever home hooling is mentioned: socialization, alifications of parents to teach, parental ouses, and the "what about college" estion. Successes of home schooling e highlighted, and supporting research is cluded.

The tape wraps up with encouraging ords from legislators, educators, par-nts, and children about the value and ability of home education.

We are thrilled to be able to offer is video to you and believe that you ill find it to be a valuable tool as you ek to allay the fears of relatives and lighten others to what you're doing nd why.

This video is available from HSLDA r $15.00, plus $2.00 for shipping and andling. Be the first family in your pport group to own one! □

HSLDA Publications

Home Schooling and the Law by Michael Farris—A comprehensive book for home schoolers and those considering home education that answers the question, *"Is home schooling legal?"* This book covers the rights that arise from religious freedom as well as rights arising from the fundamental liberty of parents to direct the education of their children. Included is a one-page detailed description of each state's home-schooling law.

Normally, $10.00 each (plus $1.50 for shipping), we are offering a special price in this issue of the *Court Report*: Two copies for $15.00 (shipping costs included). Keep one for yourself and give the other as a gift or as a donation to your local support group's library.

Should Home Schoolers Obey the Law?—Discusses the spiritual issues arising when Christian home schoolers face a decision to obey or disobey man's law. (Also appears as a chapter in *Home Schooling and the Law*.)

Home Schooling in the United States: A Statutory Analysis by Christopher J. Klicka—A 55-page "chart," analyzing the home school laws and regulations in all 50 states and U.S. territories. Each page is devoted to one particular state or territory and lists the pertinent laws, regulations and major cases pertaining to home instruction. The analysis is written in understandable outline form and is an excellent tool for those who will be lobbying their legislatures to pass a home school law, for those who will be educating others on the progress of home-schooling throughout the country, and for attorneys who will be providing legal assistance to home schoolers.

This edition has been completely revised to reflect all changes in legislation and regulations through the Summer of 1990. If you order this home-schooling legal analysis, you will be notified each year when the new edition is completed and will have the opportunity to order the latest update.

Christopher J. Klicka has also authored a booklet entitled ***The Case for Home Schooling; An Academic and Legal Perspective***, which provides a concise defense of home schooling based on recent academic studies and court cases. It is a valuable tool for educating friends, relatives, the media, and the legislatures about the issues of home schooling.

Order Form

To receive these materials:
Please complete this form, and include a check made payable to HSLDA.
Return it to
HSLDA, Paeonian Springs, VA 22129.

[Note: All prices include shipping and handling.]

Name _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

❑ Please send me ___ copy/copies of **Home Schooling and the Law**. Enclosed is my check in the amount of $_____ . (One copy for $11.50, or two copies for $15.00. Special price available only through Dec. 10, 1990 while quantities last.)

❑ Please send me ___ copy/copies of **Should Home Schoolers Obey the Law**. Enclosed is my check in the amount of $_____. (Each booklet is $2.00; bulk orders of 25 or more are $1.25 each.)

❑ Please send me ___ copy/copies of **Home Schooling in the United States: A Statutory Analysis**. Enclosed is my check in the amount of $_____. (Each chart is $20.00.)

❑ Please send me _____ **Home School Video(s)**. Enclosed is my check in the amount of $_____. (Each video is $17.00.)

Religious Freedom Hearings Begin

Congressman Stephen J. Solarz [D-NY] introduces H.R. 5377, The Religious Freedom Act, at hearing before the House Judiciary Subcommittee.

Religious Freedom Week, Septem-er 23-29, 1990, was set aside by the .S. Senate and House and recognized y a special Proclamation by the Presi-ent of the United States to remind us at we need to be vigilant in protecting is important foundation of our ountry's heritage. Thus, it was particu-rly appropriate that the initial hearings n the Religious Freedom Restoration ct of 1990 (H.R.5377) before the House diciary Subcommittee were held on hursday morning, September 27.

Congressman Stephen J. Solarz [D-Y], chief sponsor of the bill, began the roceedings with a history of what had otivated the unusually diverse coali-on to call for this important piece of gislation and a brief summary of what e legislation would actually do.

"On April 17, the Supreme Court ealt a devastating blow to religious eedom in the United States. In the case *Oregon Employment Division* v. *Smith*, majority of the Justices discarded the ngstanding application of strict scru-ny to free exercise cases involving neu-al, generally applicable laws. The strict crutiny standard prevented govern-ental authorities from imposing bur-ens on the free exercise of religion nless they could demonstrate that they were furthering a compelling govern-mental interest and had used the least restrictive means to further that interest.

"The Religious Freedom Restoration Act would correct the Court's unwise and unwarranted action by simply reinstating the compelling interest test that has served our country so well. . . .

"The diverse coalition that has formed in support of H.R.5377 demonstrates just how fundamental this approach to religious tolerance is to the American way of life. Our list of more than 75 cosponsors in the House includes members from both sides of the aisle, liberals and conservative, and members from all parts of the country, including several distinguished members of this Committee. . . . In fact, to date, I am aware of no opposition to this legislation in or out of government."

Representative Lamar Smith [R-TX] joined his colleague with a passionate plea for recognizing the true value of our religious liberty as Americans: "The free exercise of religion is one right that separates a free nation from a totalitarian, suppressive regime. For over 40 years we have condemned communist countries for their official atheism and persecution of religious minorities and during World War II we fought to end the Jewish Holocaust. We have to practice what we preach.

"How can we tolerate, even for a second, a ruling that allows the political majority to turn individual expression of religion into criminal behavior? . . .

"The new ruling limits one's religious 'freedom' to private thought, not expression. To treat religion as if it should not be seen or heard, is to deny its essential power. For one's faith means little unless it is put into practice."

A special panel of three witnesses then addressed the subcommittee, each representing the concerns of the constituency he represented: Dean M. Kelley for the National Council of Churches, Robert P. Dugan for the National Association of Evangelicals, and John H. Buchanan of People for the American Way.

Mr. Kelley's remarks expressed "extreme outrage and distress that the Supreme Court of the United States has in effect nullified the Free Exercise Clause of the First Amendment by its ruling in *Oregon* v. *Smith*, April 17, 1990 . . . even though the Court itself recognized that religious minorities will inevitably be 'disadvantaged' in the political process—the exact consequence the Bill of Rights was designed to prevent . . . ."

He went on to persuade, "Congress has heard much in recent days about the court's 'whittling away' at the law's protections against racial discrimination, and the Civil Rights Act of 1990 is designed to restore some of what has thus been lost. But the *Smith* decision is not just 'whittling'; it is a sudden, devastating act of near-total demolition far more sweeping than anything that has happened to civil rights. Yet so cleverly was that act disguised behind the stalking-horse of the peyote decision that most people are entirely unaware of what happened. . . .

"It is only the unconventional practices of minorities and nonconforming individuals that put the guarantees of the Bill of Rights to the test. And now the Court has abandoned the very test it had

long enunciated to protect the free exercise of religion."

Mr. Kelley concluded his testimony with an illustration entitled, "What Difference Does It Make?": "Scarcely was the ink dry on the *Smith* decision than its effects began to be felt. A case reached the Supreme Court in which the Minnesota Supreme Court had held that the state law requiring slow-moving vehicles to display a vivid orange triangle could not be enforced against the Amish religious objection to affixing such a garish emblem to their black buggies. (Grey-silver reflector strips were an alternative acceptable to the Amish and the court.) The U.S. Supreme Court sent the case back to Minnesota with instructions to reconsider it in the light of the *Smith* decision, with the implication that the Free Exercise Clause provided no defense for the Amish against Minnesota's traffic laws. . . .

"Passage of the Religious Freedom Restoration Act does not guarantee how any of those cases would come out. That is not the point. The Act would guarantee only that the free exercise claimants would have their 'day in court' when the government would be obliged to demonstrate the 'compelling state interest' that has been its obligation for 27 years."

Robert Dugan graphically described the freedom betrayed by the *Smith* decision as he countered the thrust of Justice Scalia's opinion: "In *Employment Division* v. *Smith* five Justices of the Supreme Court eviscerated the Free Exercise Clause of the First Amendment. In the post-*Smith* world, government no longer needs to demonstrate a compelling governmental interest to justify an erosion of religious freedom. Now all that is needed to restrict religious exercise is a neutral law of general applicability. Our ability to put our faith into action is now totally subject to majoritarian rule. . . .

"*Smith* was thought to present a narrow question of constitutional law: Whether the State of Oregon had a compelling interest in regulating illegal drugs that overrode free exercise rights in the sacramental use of peyote. That was the issue briefed; that was the issue argued. This was thought to be a routine Free Exercise case which would no doubt be decided within the parameters of well-established precedent.

"Scarcely was the ink dry on the Smith decision than its effects began to be felt."

"Thus we were stunned when the Court used this seemingly innocuous case to announce a complete overhaul of established First Amendment law. . . .

"We were ambushed. Justice O'Connor is right on target when she says the Court's holding 'not only misreads settled First Amendment precedents,' but also 'appears to be unnecessary to this case.'

"Religious liberty remains a God-given right, as the Declaration of Independence indicates, but it is no longer secured by the Constitution as interpreted by the 5-4 majority. It is now to be bestowed by a beneficent majority as a matter of legislative grace, or denied by majoritarian rule unpersuaded by the claims of a religious minority. . . .

"According to Justice Scalia, applying the compelling interest test to all actions thought to be religiously commanded would be 'courting anarchy.' We are told that in our religiously pluralistic society, we cannot afford the 'luxury' of the compelling governmental interest test. Justice Scalia is dead wrong. . . .

"Justice Scalia concedes that 'leaving accommodation to the political process will place at a relative disadvantage those religious practices that are not widely engaged in.' But he shrugs this concession off with the callous comment that this result is the 'unavoidable consequence of democratic government.' It is ironic that Scalia's professed fear of courting anarchy instead courts despotism. . . .

"We were stunned when the Court used this seemingly innocuous case to announce a complete overhaul of established First Amendment law. ...We were ambushed."

"Justice Scalia, we have to believe, does not realize the full import of his ruling. We are speaking today about religious practice. For high-demand religions, there are practices that are immutable.

"When it comes down to obeying God or Caesar, the devout have no choice. . . . While we concede that free exercise is not an absolute, and that it must yield to compelling governmental interest, we cannot but remonstrate against the present rule which requires no justification whatsoever for the abridgement of religious freedom, and will—I repeat—lead inevitably to civil disobedience."

Mr. Buchanan began his testimony by explaining the reason for the tremendous diversity evident in the coalition: "The breadth of support for this legislation, from People For to Concerned Women for America, has raised many an eyebrow. How could it be possible that we, who so seldom agree on public policy matters involving church and state, could agree on the need for this legislation? The Religious Freedom Restoration Act unites us, however, because it seeks to protect the fundamental principle of religious freedom undermined by the Supreme Court in the *Smith* decision and does not grant government approval or disapproval to any religious practice or belief. Nor will this amazingly diverse coalition support or seek an amendment to that end. It's our shared commitment to the Free Exercise Clause that enables us to 'beat our swords into plowshares' today."

He then focused on the substance of the debate between Justice O'Connor and Justice Scalia to convince the subcommittee of the importance of the issue at stake. "Justice O'Connor succinctly summarized the Court's line of precedent . . .:

> . . . we have respected both the First Amendment's express textual mandate and the governmental interest in regulation

of conduct by requiring the Government to justify any substantial burden on religiously motivated conduct by a compelling state interest and by means narrowly tailored to achieve that interest.

"As Justice O'Connor further explained, however, the majority opinion in *Smith* 'dramatically departs from well-settled First Amendment jurisprudence' and is 'incompatible with our nations's fundamental commitment to individual religious liberty.' As a result of *Smith*, the government today needs merely to articulate a rational basis to justify any burden it imposes on religious activity. New burdens on religious liberty will be outlawed under this weak test. That is why the Religious Freedom Restoration Act is so important. . . .

"Incredibly, Justice Scalia used the word 'luxury' to describe the fundamental right to free exercise of religion. He wrote in *Smith*:

> Precisely because 'we are a cosmopolitan nation made up of people of almost every conceivable religious preference,' and precisely because we value and protect that religious divergence, we cannot afford the luxury of deeming presumptively invalid, as applied to the religious objector, every regulation of conduct that does not protect an interest of the highest order.

However, Scalia went on to list several types of government rules—the payment of taxes, child labor laws, animal cruelty laws—where the Court has found a compelling state interest in uniform application of the law despite free exercise claims. In so doing, we believe that Justice Scalia unwittingly proved the very point at issue here today: the system works! The compelling state interest test balances two crucial concerns—the individual interest in religious liberty and the government interest in uniformly applying its rules—without prejudging either as being, as Scalia puts it, 'presumptively invalid.' . . .

Mr. Buchanan finished with a clarification of the Congress' obligation as well as right to bring balance to the Supreme Court's work: "As a former Member of Congress, I am particularly sensitive to the separation of powers issue raised by the Religious Freedom Restoration Act. It is a very serious undertaking by Congress to effectively overturn a constitutional interpretation by the Supreme Court. Credible answers must be provided to two basic questions: Does the Congress have the authority to pass this legislation? Has the *Smith* decision substantially undermined the free exercise of religion and does it pose a substantial risk for the future of religious liberty?

"Section 5 of the Fourteenth Amendment provides that 'Congress shall have power to enforce, by appropriate legislation, the provisions of this article.' . . . Because the Fourteenth Amendment applies the Bill of Rights to the states, First Amendment rights are legitimate subjects of legislative protection. Since the Religious Freedom Restoration Act seeks to 'secure the guarantees' of the Free Exercise Clause, Congress has the authority to adopt the legislation. Of course, the legislation does not literally overturn the *Smith* decision or conflict with the Court's authority as interpreter of the Constitution, but instead creates a new statutory right which secures the protection of the Free Exercise Clause."

Mr. Buchanan's closing challenge is fitting for us as we follow through with letters to our Congressman and Senators, urging their support of H.R.5377: "In 1954, constitutional historian Henry Steele Commager wrote, 'Freedoms vindicated anew are more precious than those achieved without effort, and only those who are required to justify freedom can fully understand it.' Mr. Chairman, the expressed constitutional right to free exercise of religion is in jeopardy. The compelling state interest test must be restored."

Michael Farris of Home School Legal Defense Association will be testifying at one of the future hearings for this bill as we move to passage, hopefully during the 102nd session of Congress beginning in January 1991. □

President's Corner... continued from page 20...

life and our Constitution.

Our response to any issue must be gauged primarily in terms of the principles involved. If we give inordinate weight to personalities, we will end up supporting things we should oppose and opposing things we should support.

As Christians we have long embraced the concept of separating people from their wrong actions as exemplified by the cliche: *We should hate the sin and love the sinner.* We should hate child pornography, and when the ACLU argues that the First Amendment protects child pornography, we should oppose them. We should love human life, and when a conservative group favors human life, we should support them. But if a liberal group gets it right on an issue and if a conservative group gets it wrong, we must let our loyalty or hatred stem from biblical principles and not personalities.

It may surprise you to learn that the ACLU of Michigan recently filed a "friend of the court" brief before the Michigan Supreme Court in support of one of HSLDA's cases. We actually have two home-schooling cases before that court. One defends a secular home-schooling family; we have made a parents' rights constitutional claim for them. The other is a Christian home-schooling family; we have made a freedom of religion claim for them along with the parents' rights claim. The ACLU's brief supports *only the Christian parents and only on their free exercise claim.* The ACLU takes no position on the secular family's case at all.

Don't get me wrong. I am not about to join the ACLU. They support the "rights" of abortion and pornography, among many other things I oppose. But I am unwilling to engage in the kind of blind hatred of this group that I see in some quarters.

Christians have to stop being lap dogs for conservatives and junk yard dogs toward liberals. We must doggedly stand for biblical and constitutional principles and be willing to form *temporary* alliances with anyone willing to stand up for the right principle.

If you have not already done so, take a few moments today to write your Congressmen, urging their support of H.R.5377. □

President's Corner:

Canine Conundrum

Loyalty and hate are powerful forces in the world of politics. Some people are blindly loyal to a political party; yet, most Americans do not endorse such blind loyalty. Most voters claim to determine which candidate they will support based on "the person and not the party." Blind hatred is also a significant factor in politics. Senators Ted Kennedy and Jesse Helms are both objects of blind hatred from the right and left respectively. Christian home schoolers and other Christians interested in public policy issues need to be very careful about either blind hatred or blind loyalty.

I am not suggesting that we should "moderate" our views. Nor am I suggesting that we should learn the fine "art" of political compromise. I still hold the firm belief that the only things in the middle of the road are a yellow line and a dead skunk. What I am suggesting is that our loyalty must be directed to *principles* and not *personalities*. We must demonstrate our unflagging loyalty to the biblically-based principles of morality, freedom, and justice, and we must have an unswerving hatred of immorality, tyranny, and injustice.

By now you must be asking yourself: Why is Mike writing about these concepts? Who rang his chimes? What's his real agenda?

Ok, I'll tell you.

I am concerned about the reaction of some people in Christian and conservative political circles to the Religious Freedom Restoration Act (H.R.5377). Most of the Christian attorneys (and the groups they represent) who have actually done the vast majority of religious freedom cases strongly support the RFRA. However, some non-lawyers and some other conservative organizations have been lukewarm in their response. When I ask their reasons for this attitude, they answer: "If the ACLU and People for the American Way are for this bill, it must be bad."

There is no question about it—these groups have advanced principles which give Christians good reason to be distrustful. However, the fact remains that the ACLU, in particular, has occasionally fought for principles which we fully endorse.

Those who know the activities of these groups only from what they read in fundraising letters have good reason to see them as universally "bad." However, those of us who have actually opposed these groups in the courtroom see these groups in terms of the principles they advance. When we see them advancing principles we oppose, we fight. But when we see them standing for principles we believe in, we are willing to fight on the same side of the war.

The situation is not unlike the partisan wrangling which usually goes on in Congress. Democrats and Republicans usually fight like cats and dogs—and with good reason. But if America faces an external enemy—like Iraq—partisan differences are temporarily set aside, and we simply all become Americans.

There are certain fundamental principles about which all Americans should agree—whether we are conservative, liberal, Christian, Jew, atheist, or agnostic. One of these principles is that *religious freedom is a fundamental freedom*. We may disagree over the specific application of this freedom, but all Americans should agree that religious freedom is fundamental.

Several months ago a bare majority of economic conservatives on the Supreme Court declared that the free exercise of religion is *not* a fundamental freedom. All Americans should view this—in effect—as a declaration of war against our way of

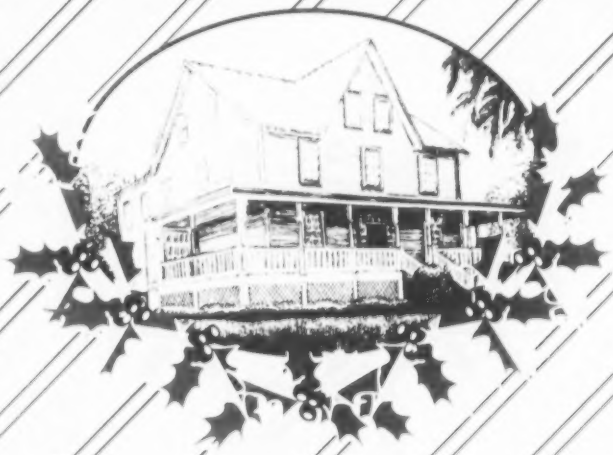
continued on page 19...

Home School Legal Defense Association
Paeonian Springs, VA 22129
703-882-3838
President: Michael P. Farris
Vice-President: J. Michael Smith
Editor: Christopher J. Klicka
Managing Editor: Inge P. Cannon

ADDRESS CORRECTION REQUESTED

Non-Profit Org.
U.S. Postage
PAID
So. Maryland
Permit #1230

The *Home School Court Report* is a service provided free to members of the Home School Legal Defense Association. The newsletter is published quarterly. Non-members may subscribe for a $10.00 annual fee.



The Home School Legal Defense Association
and
The National Center for Home Education
Wish you and your family
A Joyous Christmas Season
and
A New Year Rich with God's Blessings
as you follow His Ideal by teaching your children at home.

BEST COPY AVAILABLE

Initial Results From Nationwide Survey Give High Marks to Home Schooling

On November 16, 1990, the National Home Education Research Institute (NHERI) of Seattle, Washington released its first report of *A Nationwide Study of Home Education: Family Characteristics, Legal Matters, and Student Achievement.*

Initial conclusions revealed that the home education families surveyed involve parents with greater formal educational attainment than average. Family income is slightly higher than the average, and two-parent families seem to be the norm. They have more children than the average United States family, and the families are predominantly Christian in viewpoint with a wide variety of religious preferences indicated.

While a number of the families had been involved in negative interactions with public school officials, relatively few had ever been engaged in court actions or full trials in connection with their home schooling. The average age of the children in the families studied was just over eight years, and it appeared that the majority of the children had never been in public or private schools. There were equivalent numbers of male and female students.

On standardized achievement tests the home-schooled students performed at or above the 80th percentile on national norms in terms of their reading, listening, language, math, science, social studies, basic battery, and complete battery scores. There were very slight relationships between the education level of parents and student achievement. The income level of the family appeared to have very little impact on the academic achievement of these students, and the findings suggested that teacher certification for the parents had no impact on the academic achievement of the students.

Students in families who were complying with home education statutes scored no better than students in "underground" situations. In fact, in some cases the "underground" students did better. No difference was found in the comparison of achievement scores for students in three groups representing various degrees of state regulation of home education.

The study, directed by Dr. Brian Ray and commissioned by the National Center for Home Education in Paeonian Springs, Virginia, explored five fundamental questions:

- What are the demographic and educational characteristics of home education families?
- To what extent have home-schooling families been engaged in legal matters regarding their involvement in home education?
- What are the demographic, educational, and post-high school characteristics of students who are home educated?
- What are the academic achievement outcomes of students who are home educated?
- Is the academic achievement of home-educated students related to variables such as education level of parents, teacher certification status of parents, and degree of home education regulation in the student's state?

The target population for the study was all home education families who are members of the Home School Legal Defense Association (HSLDA). Linear systematic sampling was used to select 2,163 families with the starting point on the list being randomly determined. The instrument used was a survey questionnaire with four principal parts:

I. Information regarding all parents and family (e.g., demographics, teacher certification status of parents).
II. Information regarding the home education legal status of the family (e.g., contact with public school officials and with attorneys).
III. Information regarding the students (e.g., demographics, years home schooled, achievement scores, curriculum used).
IV. Opportunity to volunteer for participation in a longitudinal study.

What is the average home-schooling family like?

Descriptive Information for Families

Variable	*Mean*	*Number*
Father years education	14.99	1483
Mother years education	14.09	1499
% teaching done by father	9.95	1489
% teaching done by mother	88.32	1489
% teaching done by other person	1.71	1490
Number of children per family	3.21	1497
% income by father	96.37	1464
% income by mother	3.48	1467
Number of visits to library per month	3.09	1390
Cost ($) per child per year to home educate	488.53	1458

The average educational level of the fathers studied was 15 years of formal training (or about 3 years of college) and 14.1 years (or about 2 years of college) reported for the mothers. For comparative purposes, note that in 1988, 20.3% of those at least 25 years of age in the United States had four or more years of college. In this study of home education, 42.7% of the parents had 4 or more years of college. Further, of those at least 25 years of age in the United States in 1988, 41.8% of males and 34.9% of females had at least one year of college.

Educational Attainment of the Fathers

Years of Formal Education	*Frequency*	*Percentage*
Less than 12	45	3.0
12 (H.S. diploma)	359	24.2
13-15 (some college)	334	22.5
16 (college degree)	434	29.3
17 or more	311	21.0
Total	**1483**	**100.0**

Educational Attainment of the Mothers

Years of Formal Education	*Frequency*	*Percentage*
Less than 12	25	1.7
12 (H.S. diploma)	477	31.8
13-15 (some college)	469	31.3
16 (college degree)	412	27.5
17 or more	116	7.7
Total	**1499**	**100.0**

The average teaching schedule involves the mother giving 88% of the instruction, while the father does 10% of the teaching. Two percent of the teaching is done by some other person.

The families visit libraries about 3 times per month, and slightly more than half (57.8%) have computers in their homes.

Number of Children Per Family

Number	*Frequency*	*Percentage*
1	65	4.3
2	423	28.3
3	503	33.6
4	292	19.5
5	134	9.0
6 or more	79	5.3
Total	**1496**	**100.0**

The average family in this study consisted of a father, a mother, and 3.2 children, or a family of about 5.2. The average United States family size was 3.17 in 1988. Thus, the families studied are about 64% larger than the average 1988 American family and apparently larger than the average current family. Only 1.6% of the families were headed by single parents, and all of these were mothers.

The home education families in the study averaged a $488 per student expenditure per year. According to the National Center for Education Statistics, the average per student cost in public elementary and secondary schools was $3,987 during the 1988-89 school year. If public school costs have not changed in real dollars since 1988-89, public schools spend 817% (or over 8 times as much) of what these home education families spend on the teaching of students.

Fifty-five percent of the home education families are within the $25,000 to $49,999 range for total annual income. The median income category for them was $35,000 to $49,999. The median family income in the United States in 1987 was $30,850 in 1987 dollars. If the median income in the United States has not increased, the present study would suggest that these home education families have a slightly higher annual income than their contemporaries. It is possible that the Home School Legal Defense Association, from which the current sample was drawn, in some fashion serves those families across the country with slightly higher incomes. However, this hypothesis has not been tested. The average father earns 96% of the income for the family. About 11% of the mothers reported that they work outside of the home, and they do so for an average of 14.6 hours per week.

Annual Income of Families

Income	*Frequency*	*Percentage*
Under 10,000	21	1.4
10,000–14,999	43	2.9
15,000–19,999	82	5.5
20,000–24,999	169	11.4
25,000–34,999	379	25.6
35,000–49,999	439	29.7
50,000–74,999	34	15.8
75,000 and above	112	7.6
Total	**1479**	**100.0**

The religious preferences of the fathers and mothers were clearly Christian with 93.8% of fathers and 96.4% of mothers describing themselves as "born-again." About 40% of the fathers and 41% of the mothers considered themselves Independent Charismatic or Independent Fundamental/Evangelical. The category "Baptist" included 18.4% of the fathers and 17.6% of the mothers. Catholics represented 3.4% of the fathers and 3.2% of the mothers. There were extremely few parents in the

categories including Muslim, New Age, Jewish, and LDS (Mormon). As is consistent with other studies on home education (e.g. Ray, 1988 and Wartes, 1990a), this population of home educators was decidedly Christian or Protestant in nature.

Religious Preferences of the Fathers

Father's Religious Preference	*Frequency*	*Percentage*
Adventist	15	1.0
Amish	0	.0
Assembly of God	111	7.6
Baptist	269	18.4
Catholic	49	3.4
Episcopal	5	.3
Independent Charismatic	198	13.6
Independent Fundamental/Evangelical	378	25.9
Jewish	1	.1
LDS (Mormon)	8	.5
Lutheran	17	1.2
Mennonite	14	1.0
Methodist	13	.9
Muslim	0	.0
Nazarene	13	.9
New Age	4	.3
Pentecostal	40	2.7
Presbyterian	43	2.9
Reformed	38	2.6
Other	245	16.8
Total	**1461**	**100.0**

Religious Preferences of the Mothers

Mother's Religious Preference	*Frequency*	*Percentage*
Adventist	21	1.4
Amish	2	.1
Assembly of God	112	7.6
Baptist	260	17.6
Catholic	47	3.2
Episcopal	5	.3
Independent Charismatic	217	14.7
Independent Fundamental/Evangelical	390	26.5
Jewish	1	.1
LDS (Mormon)	9	.6
Lutheran	16	1.1
Mennonite	14	.9
Methodist	13	.9
Muslim	0	.0
Nazarene	13	.9
New Age	3	.2
Pentecostal	41	2.8
Presbyterian	40	2.7
Reformed	37	2.5
Other	233	15.8
Total	**1474**	**100.0**

What are home school students like?

Ninety-three percent (2,887/3,096) of the students described in these families were currently being home educated. Of the 3,096 children, 2,906 (93.9%) were home educated during the 1989-1990 academic year. A nearly equal number of males (50.9%) and females (49.1%) was reflected in this sample. Their average age was 8.24, or about the third grade level.

Descriptive Information About the Children

Variable	*Mean*	*Number*
Age	8.24	4620
Grade	3.25	4198
Years taught at home since 5 years old	3.02	3026
Years of public school prior to home ed.	3.36	908
Years of private school prior to home ed.	2.79	866
Years of public school after home ed.	2.31	101
Years of private school after home ed.	1.71	108
Grade through which parents intend to home educate child	10.88	2434

On average, the children had been taught at home for three years since age 5, which involves just about all of their school-age years.

Attendance at Public or Private School for Home-Schooling Children

School Participation	*Frequency*	*Percentage*
Attended public school prior to home school	908/3547	25.6
Attended private school prior to home school	866/3547	24.4
Attended public school after home school	101/3547	2.8
Attended private school after home school	108/3547	3.0

It is evident from this frequency table that a significantly larger percentage of people are moving their children into the home education option than are leaving it. No questions were asked in this study about the reasons for leaving home schooling, but some parents indicated that their original plan was to teach a child at home for a specified number of years. Thus, some of what may appear to be a drop-out factor is actually part of the parents' curriculum design.

Parents reported that in 2,434 cases (out of 4,620) they intend to home educate their children up to the eleventh grade level (10.88).

Vhat curriculum choices are prevalent in home schooling?

Parents were asked what type of curriculum they sed for their individual children. For 2,080 (67.4%) of 087 children, the parents said that they hand picked the ajor curriculum components. A satellite school curricum was used for 158 (5.1%) of 3,086 children. A home ducation program provided by a local private school as used for 41 (1.3%) of 3,086 students. Finally, arents reported they used a complete curricular packge (i.e., including language, social studies, mathemats, science material for full year) for 969 (31.4%) of 3,081 udents.

Iow do home school students fare n standardized achievement tests?

Of the 3,034 students who were at least 5 years old, 471 (48.5%) took a standardized achievement test uring the past 12 months. Although several other tests ere used, the *California Achievement Test, Iowa Test of asic Skills*, and *Stanford Achievement Test* accounted r 80% of all the tests taken.

Copies of the test results were attached to the rerned questionnaire for 66.1% (973/1,473) of the students ho took tests. The achievement scores of these homeducated students were quite high in all areas considred. Data were collected on the following: reading, stening, language, math, science, social studies, basic attery (typically reading, language, and math), and mplete battery (all topics included in the overall testing the student).

The home-educated students scored, on the averge, at or above the 80th percentile in all eight of the receding categories. The national average in conventnal schools is the 50th percentile. Consistent with data several other studies and reports, these findings show at the achievement scores are high in all grade levels - 12) and in all subject areas. It could be argued that ese students would have done well in any educational tting, considering the family backgrounds, motivational vels of parents, and so forth from which they come.

On the other hand, a logical argument could be made at the home education environment naturally causes gher achievement because of factors such as low udent-to-teacher ratio, flexibility that is possible in a nall, private setting, close contact between parent and ild, and the enhanced opportunity to individualize curculum and methodology to meet the gifts and limitations a particular child. However, no tight statistical controls test such hypotheses were applied in this study; nor ave they been applied in other studies to date.

How Many Home-Schooled Children Are There?

Patricia Lines has published articles in *Phi Delta Kappan* and other scholarly journals, calculating the number of children being home schooled in the United States. She has called correspondence course suppliers and obtained the precise number of students enrolled in their programs. She has then estimated that approximately one half of all home school students participate in such courses.

Lines' theory seems sound, but it is entirely dependent on the accuracy of her estimate of the percentage of home school students using correspondence courses.

The current survey found that 7.89% of all children living in home-schooling families (10.49% of the school-aged children) were enrolled in specified correspondence courses. The particular correspondence courses mentioned report a total enrollment of 49,740 students.

These numbers allow us to project that the number 49,740 represents 7.89% of all children living in home-schooling families or 10.49% of all children of school age (age 5 and above) being home schooled.

Based on this theory, there are 630,418 children living in home-schooling families and 474,165 children of school-age. Please recognize that these numbers are only estimates. It may also be possible that HSLDA's membership is not representative of the total population of home schoolers since some of the correspondence programs have group discount programs with HSLDA. If the sample is skewed, the number of home-schooled students may actually be somewhat larger than this estimate.

National Percentile Scores on Standardized Achievement Tests

Variable	National Percentile Mean	Number
Total Reading	84th	1068
Total Listening	85th	337
Total Language	80th	883
Total Math	81st	1073
Science	84th	390
Social Studies	83rd	380
Basic Battery	82nd	665
Complete Battery	82nd	601

What policy-making conclusions can be drawn from test performance?

Several relationships between the home-educated students' achievement scores and variables relevant to policy-making were explored in the study.

1 *Re: Educational Background of Parents*

The study found that students' scores in reading, language, math, science, and social studies were statistically related to the number of years of formal education that the mothers and fathers had completed. These correlations ranged from .13 to .19. Thus, parental education level explains or predicts **at most** less than 4% of the variance in any one of the achievement score areas. Such correlations are considered slight or negligible.

All things considered, it may be that there is a weaker relationship between parent education level and student achievement for the home educated than for those in other forms of schooling; further analysis would be needed to clarify this issue. It is possible that the home education environment is conducive to eliminating the effect of parent educational background.

2 *Re: Teacher Certification*

Only 6 % of the fathers and 13.9% of the mothers surveyed had ever been certified teachers. Approximately 54% of this subset of fathers and 38.6% of this subset of mothers were current in their teacher certification. Sixty-three (73.3%) of 85 fathers who had been certified teachers had a certificate from the state in which they currently reside. Of 207 mothers who had ever been certified, 142 (68.6%) had certificates from the states in which they lived during the study.

The relationship between student achievement and the teacher certification status of the parents was significant in its absence. This study found that there was no difference in students' total reading, total math, or total language scores based on the teacher certification status of their parents (i.e., neither parent had been certified, one had been, or both had been). The findings of this study do **not** support the idea that parents need to be trained as certified teachers to assure successful academic achievement for their children.

Achievement by Certification Status of Parents

Certification Status of Parents	National Percentile Mean in Reading	National Percentile Mean in Math	National Percentile Mean in Language
Both have been certified	84th	84th	82nd
One has been certified	86th	84th	84th
Neither has been certified	84th	80th	79th
All public school students (Teacher certification required)	50th	50th	50th

3 *Re: Compliance with State Regulation*

Seven hundred sixty two (51.1%) of the 1,468 families surveyed have submitted any type of paperwork to state or local school authorities to notify them of their home school.

Legal Status of Families With Respect to Home Education State Statutes

Status	Frequency	Percentage
Underground	225	15.3
Notified district, not attempting to comply fully	72	4.9
Satisfied statutory requirements	859	58.6
In current dispute about legal status	6	.4
Other	304	20.7
Total	**1466**	**100.0**

The achievement levels of students according to the home education legal status of their families represented no significant correlation. There was no difference in total math scores between students whose families were "underground" and students whose families had satisfied the home education statutory requirements. Contrary to popular opinion, children in "underground" families actually performed better (86th percentile) than students in families who had satisfied the state home education statutes (79th percentile).

Students in "underground" families also scored better (88th percentile) in total reading than those in families

atisfying state statutes (83rd percentile). However, all ome education students (regardless of family's legal atus) scored well above national averages.

4 *Re: Amount of Regulation in States*

No difference was found in the achievement scores students from three groups representing various de-ees of state regulation of home education. One group as comprised of students in Iowa or Michigan families r which neither the father nor the mother had ever been certified teacher. This group represents children of milies in the states which are probably most restrictive home education and in which the families are most kely not in compliance with the law.

The second group was comprised of students from alifornia or Texas. Home education is basically unregu-ted in these two states. The third group was comprised students from families in New York, North Dakota, hio, Pennsylvania, and South Carolina who have satis-ed state statutory requirements regarding home educa-on. This group represents children of families who are pparently in compliance with the law in states that gulate home education practices to a high degree.

Students in all three regulation groups scored on the verage at or above the 76th percentile in the three areas xamined: total reading, total math, and total language. hese findings, in conjunction with others described in is section, do **not** support the idea that state regulation nd compliance on the part of home education families ssure successful student academic achievement.

5 *Re: Income Level of Parents*

While total reading and total language scores did not ffer according to the income level of the home education mily, total math scores showed some variance. Students families with incomes of $50,000 and above scored etter in math than students in families with incomes under $10,000; those in families with incomes from $50,000 – $74,999 scored better in math than those in families with incomes in the $10,000 – $14,999 bracket.

Nevertheless, students from all income groups scored at or above the 60th percentile on national norms in math. These findings do **not** support the idea that home education students in low income families are at risk of not doing well in terms of achievement.

What do home school students do after high school graduation?

Information about adults who had been home educated was gathered for only 99 subjects. This analysis did not report how long these individuals had been taught at home. Half (50.5%) of them attended either a junior college or four-year college after high school "graduation." Another 12.1% engaged in full-time employment, while the remainder pursued other activities.

Activities of Home-Educated Persons After High School

Activity	*Frequency*	*Percentile*
Junior college	17	17.2
Four-year college	33	33.3
Trade school	0	0
Business school	0	.0
Full-time employment	12	12.1
Military	0	.0
Other	37	37.4
Total	**99**	**100.0**

The comprehensive report of this study will be published in a special book to be available in the spring of 1991. Copies of the original research report (professional format) can be ordered from NHERI, 25 West Cremona Street, Seattle, WA 98119. Please include a $10.00 check with your request.

Student Achievement Related to Family Income

	Total Reading Score		*Total Math Score*		*Total Language Score*	
Income Group	*No.*	*Mean Percentile*	*No.*	*Mean Percentile*	*No.*	*Mean Percentile*
Under $10,000	10	85th	10	67th	8	78th
$10,000-$14,999	27	76th	28	67th	23	70th
$15,000-$19,999	57	83rd	57	77th	49	77th
$20,000-$24,999	124	84th	125	75th	112	82nd
$25,000-$34,999	249	83rd	258	79th	218	78th
$35,000-$49,999	323	84th	320	82nd	250	79th
$50,000-$74,999	171	84th	171	85th	138	81st
$75,000 and over	87	85th	84	86th	66	84th
Total	**1048**	**84th**	**1053**	**81st**	**864**	**79th**

President's Corner

We are extraordinarily pleased to bring you the first wave of results from the largest research study of home schooling ever done. Dr. Brian Ray of the National Home Education Research Institute (NHERI) performed the study at the request of our organization, which funded the study. This study is the most extensive of its kind in terms of national scope, the subjects covered, and the number of home-schooling families participating. We are extremely grateful to the 1,516 families who responded to the NHERI survey. They have helped all home schoolers obtain the most accurate and thorough data to date.

Both home schoolers and the public have appropriate curiosity about the performance of home school children. We want to know if the educational level of the parents dictates the success of home education, and we want to know more about about home-schooling families in general. This study can begin to answer these legitimate questions.

Home school children test at least 30 points higher (80th percentile) than the national averages on standardized achievement tests. This level of performance is true in every subject tested.

It appears that state regulation of home schooling does not aid student learning—in fact, math tests show children in "underground" home school families scoring higher (86th percentile) than students in families who have satisfied state law requirements (79th percentile). In other subjects they performed the same. It is probably better simply to say that state regulation does not aid student achievement since the comparison of highly regulated states to unregulated states showed no difference in student scores.

While the achievement test scores of students where either parent (not necessarily the teaching parent) was ever certified are statistically higher than students whose parents have never been certified, the difference is negligible. The achievement scores of the wealthiest two categories of home-schooling families are almost identical to those of certified teachers.

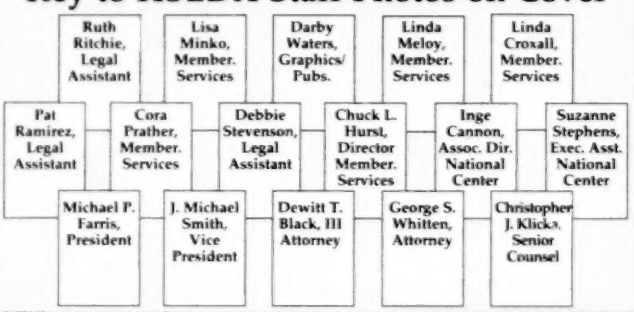
The public policy implications of these numbers are obvious. It makes no more sense to limit home schooling to families where the parents are certified teachers than it does to limit home schooling to parents who are comparatively wealthy. The differences in achievement scores are insignificant. More importantly, the achievement scores of all categories of home school students—even those taught by poor, uncertified parents—are significantly higher than the national averages of public school students.

There is still more research to be done with this study. We hope to be able to estimate accurately the number of children being home schooled in the country. A *preliminary* interpolation of the data we have suggests that there are approximately 630,000 children in home-schooling families throughout the country. About 474,000 of these are currently of school age. This total represents more children than in the public schools of Vermont, Wyoming, Delaware, and the District of Columbia **combined**. We may be small, but we are not insignificant!

This study confirms that God's ways work.

Michael P. Farris

Key to HSLDA Staff Photos on Cover


Ruth Ritchie, Legal Assistant
Lisa Minko, Member. Services
Darby Waters, Graphics/ Pubs.
Linda Meloy, Member. Services
Linda Croxall, Member. Services
Pat Ramirez, Legal Assistant
Cora Prather, Member. Services
Debbie Stevenson, Legal Assistant
Chuck L. Hurst, Director Member. Services
Inge Cannon, Assoc. Dir. National Center
Suzanne Stephens, Exec. Asst. National Center
Michael P. Farris, President
J. Michael Smith, Vice President
Dewitt T. Black, III Attorney
George S. Whitten, Attorney
Christopher J. Klicka, Senior Counsel

Home School Legal Defense Association
Paeonian Springs, VA 22129
(703) 882-3838

Non-Profit Org.
U.S. Postage
PAID
So. Maryland
Permit #1230

ADDRESS CORRECTION REQUESTED

The *Home School Court Report* is a service provided free to members of the Home School Legal Defense Association. The newsletter is published quarterly. Non-members may subscribe for a $10.00 annual fee.